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Wenesday, December 1, 1971
Agrahayana 10, 1893 (Saka)

LOK SABHA DEBATES

(Third Session)

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LOK SABHA SECRETARIAT
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CONTENTS

No. 13—Wednesday, December 1, 1971/Agrahayana 10, 1893 (Saka)

	COLUMNS
Oral Answers to Questions—	
*Starred Questions Nos. 362, 364 to 368 and 371 to 373	1—33
Written Answers to Questions —	
Starred Questions Nos. 361, 363, 369, 370, and 374 to 390	34—57
Starred Questions Nos. 2330 to 2339, 2341 to 2392, 2394 to 2425, 2427, 2429 to 2437, 2439 to 2447, 2449 to 2454, 2456 to 2461, 2463 to 2475, 2477 to 2513 and 2515 to 2529.	57—230
Calling Attention to Matter of Urgent Public Importance—	
Reported piling up of raw jute stocks in Bihar ...	230—246
Papers Laid on the Table	246—247
Business Advisory Committee—	
Seventh Report	247—248
Matter under Rule 377—	
Payment of Enhanced D. A. to Government Servants ...	248—250
Constitution (Twenty-Fifth Amendment) Bill—	
Motion to consider	250—524
Shri Shyamnandan Mishra	250—259
Shri Atal Bihari Vajpayee	260—273
Shri Sezhiyan	273—285
Shri Dharnidhar Das	285—289
Shri Siddhartha Shankar Ray	289—307
Shri V. K. Krishna Menon	307—315
Shri Samar Guha	315—324
Shri A. K. M. Ishaque	324—327
Shri Shyam Sunder Mohapatra	327—331

*The sign + marked above the name of a Member indicates that the question was actually asked on the floor of the House by that Member.

	Columns
Shri Birender Singh Rao	331—334
Prof. S. L. Saksena	334—335
Shri Nageshwara Rao	335—336
Shrimati Indira Gandhi	336—350
Shri H. R. Gokhale	350—364
Clauses 2, 3 and 1	
Motion to Pass, as amended	381—510
Shri P. K. Deo	507—508
Shri M. Satyanarayan Rao	510
Shri H. R. Gokhale	510

LOK SABHA

Wednesday, December 1, 1971/*Agrahayana* 10, 1893 (*Saka*)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Murder of a Resident of Bejoygarh Colony under Jadavpur P. S. (West Bengal)

*362. DR. SARADISH ROY : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether attention of Government has been drawn to the brutal murder of Shri Kanailal Mukherjee, a resident of Bejoygarh Colony under the Jadavpur P. S., whose dead body has been found in Raipur Chasapara field on the 31st October, 1971; and

(b) if so, the steps taken by Government to book the assailants ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) and (b). A statement is laid on the Table of the House.

Statement

According to the information furnished by the Government of West Bengal, the dead body of Shri Kanai Lal Mukherjee, a resident of Bejoygarh Colony, P. S. Jadavpur, was found by the police in a field in Muoza Naktala with gun shot and stab injuries. It is alleged that he was kidnapped and murdered by some miscreants. A case was registered in Jadavpur P. S. over this incident and it is under investigation. Five persons have been arrested so far.

DR. SARADISH ROY : In view of the fact that this is not the only incident of kidnapping and murder of a political worker but it has become the order of the day in West Bengal to kidnap and murder political persons, specially workers of our party, and in view of the fact that when the case of kidnapping is first registered by the police, the police remain inactive and indifferent to such incidents and appear on the scene only when a murder is committed, may I know when Government is going to stop such incidents in West Bengal which have become the order of the day ?

SHRI K. C. PANT : I do not know the party of my hon. friend, but the five persons who have been arrested in this case belong to the CP (M). That is the information with me.

DR. SARADISH ROY : And a CP(M) worker has been murdered ! The funniest thing is that those, who complain alleging kidnapping and murder, and their friends and co-workers are arrested only to hide the culprits from being booked. That is the state of affairs in West Bengal. May

I know why, when registering the case some specific names were given, those persons were not being arrested ?

SHRI K. C. PANT : The question is that certain other names have been given in the F. I. R. but they have not been arrested. It is true certain names were given in the F. I. R. and they were not arrested. The information with me is that they are also persons belonging to the C. P. M.

Planning Commission's Request to State to Appraise Progress of Various Schemes

†364. SHRI P. GANGADEB:
SHRI P. M. MEHTA :

Will the Minister of PLANNING be pleased to state :

(a) whether the Planning Commission has requested the State Governments to appraise the progress made so far and identify the problems connected with short-falls in resources, inter-Sectoral imbalances and implemention of the Plan programmes; and

(b) if so, whether the appraisal undertaken for reorienting the Plan, accelerating the pace and effective use of investments in the economy has been completed for all the sectors *viz.* Central, State and Union Territories ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) Yes, Sir.

(b) No, Sir. However the appraisal will be concluded very soon.

SHRI P. GANGADEB : I would like to know whether the Planning Commission has taken any decision regarding supplementary assistance to the States, including Orissa and other backward States for meeting deficits in resources for development and, if not, whether any alternative means of overcoming these deficits are contemplated.

SHRI MOHAN DHARIA : We are going to have discussions with various State Ministers regarding their Plan for 1972-73 and 1973-74 and during those discussions, all these difficulties will be taken into consideration.

SHRI P. GANGADEB : I would like to further ask whether the Union Government has taken steps to advise the State Governments to take immediate measures to bring down non-Plan expenditure and, if so, what is the reaction of the State Governments.

SHRI MOHAN DHARIA : It is true we have insisted on the State Governments to meet their non-Plan expenditure and also to bring down overdrafts and during these discussions which I mentioned earlier, this will also be considered.

SHRI P. GANGADEB : I want to ask one more question.

MR. SPEAKER : The other day, I announced it. Please don't make it a practice to come to three questions now.

SHRI P. GANGADEB : Just one.

MR. SPEAKER : No please. I am not going to depart from the practice. Then, other gentlemen will also say, "just one". I am very sorry. You should have put the question in a way that it could have been more comprehensive. You should have known that you are allowed only two questions.

SHRI P. VENKATASUBBAIAH : With regard to inter-sectoral imbalances in State Plans, may I know whether the Planning Commission or the Ministry incharge of Planning has given specific instructions as to see that these inter-sectoral imbalances are rectified within

the resources which have been allotted to the State Governments and whether any provision has been made with regard to any unforeseen calamities, like, droughts and floods in those areas and, if so, what are the basic guide-lines that have been sent to the State Governments ?

SHRI MOHAN DHARIA: The National Development Council has taken both these aspects into consideration regarding the imbalances and the backwardness and also, 10 per cent of the Central subsidy is meant for such sort of calamities, like, floods and cyclones. This care has already been taken.

श्री इसहाक सम्मली : क्या मिनिस्टर साहब बतलायेंगे कि जहां उन्होंने राज्य सरकारों को मशविरा दिया है, वहां उन्होंने इस बात का भी लिहाज रखा है कि जो स्टेटस पिछड़े हुये हैं और पिछड़े होने की वजह से जितनी मदद उनको सन्टर से मिलनी चाहिये थी, वह नहीं मिली है, क्या अब वह उनके लिए प्लांड और नान-प्लांड स्कीमों में कोई प्रिफ्रेन्स या कोई ज्यादा मदद देने जा रहे हैं ?

SHRI MOHAN DHARIA : The Planning Commission and the Central Government has already taken into consideration the difficulties faced by the backward States on the basis of the formula evolved by the National Development Council and various funds are allocated and at the same time, backward States are even given some more assistance to meet their non-Plan expenditure.

श्री नाथूराम अहिरवार : अध्यक्ष महोदय, मैं आप के द्वारा मन्त्री महोदय से जानना चाहता हूँ कि कौन से इलाके पिछड़े हुये हैं इसका निर्णय राज्य सरकारों की रिपोर्ट पर या स्वयं केन्द्रीय सरकार अपनी किसी कमेटी के द्वारा लेती है ? हमारे मध्य प्रदेश में जो इलाका पिछड़ा हुआ दिखाया गया है वह उतना पिछड़ा हुआ नहीं जितना कि हमारा उत्तरी इलाका पिछड़ा हुआ है इसलिए मैं जानना चाहता हूँ क्या सरकार इस पर पुनः विचार करने की कृपा करेगी ?

SHRI MOHAN DHARIA : The Planning Commission has set some criteria. However, so far as the backward Districts in each State are concerned, they are to be identified by the State Governments concerned. It is not within our jurisdiction.

Activities of Chhatra Parishad and Youth Congress in West Bengal

*365. SHRI DINEN BHATTACHARYYA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the attention of Government has been drawn to the activities of the Chhatra Parishad and the Youth Congress in West Bengal, who enter Government Offices and provoke the employees by occupying their seats and assaulting them;

(b) whether Government had received any protest note from the employees with regard to this; and

(c) if so, the action taken by Government in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). A statement is laid on the Table of the House.

STATEMENT

The Secretary of the Coordination Committee of the West Bengal Government Employees Union made a complaint to the effect that members of the Chhatra Parishad entered Government

offices and provoked the employees by occupying their seats and assaulting them. In the complaint, twenty three instances were cited where Chhatra Parishad and Yuba Congress workers were allegedly involved. All the 23 allegations were inquired into by the State Government. It was found that on seven occasions in September-October, Chhatra Parishad and Yuba Congress workers entered Government offices, occupied chairs but every time they were persuaded to leave the offices peacefully. In six other cases, the Chhatra Parishad and Yuba Congress workers staged peaceful demonstrations in front of the offices concerned. These occasions were in pursuance of the Chhatra Parishad campaign against late attendance of Government employees in offices, causing inconvenience to the public. In the remaining ten cases, the allegations were found to be baseless.

SHRI DINEN BHATTACHARYYA : From the hon Minister's statement it appears that several complaints were made but in no case do I find that any action has been taken. Simply 23 instances were cited where the Chhatra Parishad and the Youth Congress workers were allegedly involved and the allegations were inquired into and he has stated that in ten cases the allegations were baseless and in the rest the allegations were established. But, in no case any action has been taken against the Chhatra Parishad or the Youth Congress volunteers who entered the offices and occupied the chairs. May I know as to what is the reason for this sort of attitude to people who violated the law and trespassed into Government buildings ? What is the reason for not taking any action ?

SHRI CHINTAMANI PANIGRAHI: What is wrong in their entering and occupying the chairs ?

MR. SPEAKER : Let the Minister reply.

SHRI DINEN BHATTACHARYYA : Sir, you may not be there some day and imagine somebodyelse will go and occupy your Chair.

MR. SPEAKER : I wish that that day may not come.

SHRI K. C. PANT : God forbid, If that day ever, come Mr Dinen Bhattacharyya may be the first to occupy the Chair.

MR. SPEAKER : I am very much afraid of that myself.

SHRI K. C. PANT : As I have said in my statement, 23 allegations were made and they were inquired into. was found that on seven occasions the Chhatra Parishad and Yuba Congress workers entered Government offices and occupied the chairs but everytime they were persuaded to leave the offices peacefully. In six other cases, the Chhatra Parishad and the Yuba Congress workers staged peaceful demonstration infront of the offices concerned. These demonstrations were in pursuance of the Chhatra Parishad campaign against late attendance of Government employees in offices, causing inconvenience to the public. In the remaining ten cases, the allegations were found to be baseless, So, there is no occasion for taking any action.

SHRI DINEN BHATTACHARYYA : May I know whether the Minister knows that on one occasion the Chhatra Parishad and Yuba Congress volunteers, encouraged by the attitude now shown in this House by Mr. Pant, have entered the building where is written clearly, that is, in Howrah.....

MR. SPEAKER : Please put your question.

SHRI DINEN BHATTACHARYYA : Is it a fact ha that they are being encouraged from Delhi to indulge in this type of illegal acts ? For example, I cited that. . .

MR. SPEAKER : I can't allow that. Please ask your question.

SHRI DINEN BHATTACHARYYA : My question is whether it is a fact that in Howrah there is one Telephone Exchange which is prohibited for entry to the public. There the Chhatra Parishad volunteers entered and ransacked and forced the in-charge there to hand over the key to them. I want to know if this is a fact, whether this sort of action will be encouraged here by Mr. Pant and his Partymen.

SHRI K. C. PANT : My hon. friend had made this charge earlier also, and I am inquiring into that separately. I have not got any final report on that. I had made a note of it even on the earlier occasion when he made that charge.

SHRI DINEN BHATTACHARYYA : How long will it take to get the final report ?

SHRI K. C. PANT : The final report has not come to me yet. But I am making inquiries. I had made a note of it even on the earlier occasion, and I remember it even now. But the general question is whether or not in Bengal in recent times, my hon. friend's party and their trade unions etc. have not been instigating employees to strike work on frivolous grounds...

SHRI JYOTIRMOY BOSU : 'Frivolous' is a matter of opinion.

SHRI K. C. PANT : .....whether they have not taken action or given advice which bred indiscipline and unpunctuality among the staff.....

SHRI DINEN BHATTACHARYYA : Doctor, heal thyself.

SHRI K. C. PANT : All these things have also to be kept in mind. The motive of the Chhatra Parishad appears to be to apply some of these correctives. I have already said that I am not holding any brief for anybody.....

SHRI DINEN BHATTACHARYYA : Those actions were illegal.

SHRI K. C. PANT : I am merely trying to paint the picture as it is and put it in its proper perspective.

SHRI JYOTIRMOY BOSU : As a congressman.

SHRI VAYALAR RAVI : Are the Government aware that the Chhatra Parishad and the Yuba Congress are doing a good job for the people in the face of the bandh menace from the Marxist party, and, in view of this, may I know whether Government will give more encouragement to the public to come forward and meet this menace ?

SHRI K. C. PANT : I entirely agree with my hon. friend that anybody who helps to keep things going rather than closing them down is doing a service to the country.

SHRI SUBODH HANSDA : I would like to know from the hon. Minister whether he contemplates to take any action against those employees who come deliberately late to office, and particularly during the strike period :

MR. SPEAKER : This question has gone from the presence of the Chhatra Parishad in the offices to the presence of Officers...

SHRI SUBODH HANSDA : This is linked with the Chhatra Parishad people occupying the chairs...

SHRI K. C. PANT : The State Government are doing their best to tone up the administration in the State and have also issued special instructions to ensure punctuality in attendance of Government employees in the Offices.

SHRI JYOTIRMOY BOSU : *rose*

MR. SPEAKER : Why does he not get himself absent ?

SHRI JYOTIRMOY BOSU : I shall do so after asking this question, because have many other things to do after this.

Through your good Office, may I ask the hon. Minister to tell us correctly whether it is or it is not a fact that the Chhatra Parishad boys had got into the Office of the Vice-Chancellor of the Calcutta University and ransacked the whole thing and also given a beat-up to the *taxiwallahs* the day before yesterday and as a result a strike had taken place ?

MR. SPEAKER : The main question is a much older one, and it does not relate to the day before yesterday. Now, the hon. Member may resume his seat...

SHRI JYOTIRMOY BOSU: Sir, please be generous to us also. You cannot do it this way. Ydu cannot do it with me. No, this kind of waving of hands cannot be done. (*Interruptions*). I am asking a question. And you cannot do that. I am asking a straight question, namely whether or not the Chhatra Parishad boys, the rowdy boys, got into the Office of the Vice-Chancellor and ransacked ...

SHRI VAYALAR RAVI : They are not rowdy boys... (*Interruptions*)

SHRI JYOTIRMOY BOSU : You cannot shut me out. Rule 40 is there, and it is very clear.

SHRI DINEN BHATTACHARYYA : It has come in the papers.

MR. SPEAKER : Is this incident older than the one referred to in the question ?

SHRI JYOTIRMOY BOSU : A supplementary could be on any thing. Please see rule 42. Do not try to impose fresh rules and do away with the existing ones. I do not accept that position.

MR. SPEAKER : I am not prepared for this everyday show on his part.

SHRI JYOTIRMOY BOSU : May I tell you that I am here in my own right ? I shall abide by the rules of the House and not be hoodwinked by anybody else here.

MR. SPEAKER : Will he please sit down ?

SHRI JYOTIRMOY BOSU : Is it or is not a fact that the Chhatra Parishad boys had got into the Office of the Vice Chancellor of Calcutta University and ransacked his Office ? If so, what steps have been taken by Government ?

MR. SPEAKER : He said the news appeared yesterday.

SHRI JYOTIRMOY BOSU : No, Sir. I am sorry to say you did not hear me. I talked about *taxi-drivers* being beaten up day before yesterday as a result of which they went on a strike. You are not kind enough to hear me. You are so biassed. It is a very sorry state of affairs. I am talking about the forcible entry of Chhatra Parishad boys into the Vice-Chancellor's Office that took place days ago and asking whether it is true or not.

SHRI P. VENKATASUBBAIAH : This question relates to the supposed occupation of government Offices by the Chhatra Parishad. The University does not come within that.

SHRI JYOTIRMOY BOSU : The Vice-Chancellor's Office. Do not try to run away through the fire escape.

MR. SPEAKER : Don't be so aggressive every time. I am not going to tolerate it.

He said this was day before yesterday. The notice of the question was given much earlier. If this had occurred before the notice, he was perfectly within his right to ask it, but not about an incident which occurred day before yesterday. This question was printed four or five days later than the date of the notice of the question. If this incident was before the notice, the Minister may reply. He says it is days before. He has amended the question.

SHRI JYOTIRMOY BOSU : Let us call for the report. You did not hear me properly. I cited two instances, one in which days ago the Chhatra Parishad boys had entered the Office of the Vice-Chancellor and ransacked his Office. The second one incidentally was of day before yesterday when the Chhatra Parishad boys beat up the *taxi-wallahs* as result of which they went on strike.

MR. SPEAKER : He need answer only about the incident which happened before the notice of the question and not the later one.

SHRI K. C. PANT : This refers to the activities of the Chhatra Parishad boys who enter Government Offices and provoke the employees by occupying their seats and assaulting them. So far as the University is concerned, it does not come within the purview of this question. I have no information about it.

SHRI JYOTIRMOY BOSU : He does not read papers.

MR. SPEAKER : What is wrong with him?

SHRI K. C. PANT : I cannot give the House information on the basis of press reports. I must have authoritative information. But the point I would make is that regardless of whether the question is relevant or not, whether I have information or not, if anybody indulges in any vandalism, I have said on the floor of the House many times that we will not hesitate to take action. There is no question of any party differences in this matter. It is wrong of my hon. friends to make a sweeping charge against the Youth Congress as such, a charge which includes a number of Youth Congress workers.

SHRI DINEN BHATTACHARYYA : We never make sweeping charges against the Youth Congress.

MR. SPEAKER : Will he please sit down ? What is this practice ?

SHRI DINEN BHATTACHARYYA : He is putting something into our mouth which we have not said.

अध्यक्ष महोदय : मैं इस बात से बड़ा तंग हूं कि ये लोग बगैर किसी से पूछे जो मन में आता है बात करे जाते हैं ।

Performance of Automobile Industry

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*366. SHRI AMAR NATH CHAWLA:
SHRI MUHAMMED SHERIFF:

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether the Minister of Labour and Rehabilitation had asked for a through inquiry into the causes for the disappointing performance of the automobile industry in the country; and

(b) if so, the reaction of Government thereto ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) and (b). No communication has been received by me or my Ministry from the Minister of Labour and Rehabilitation or his Ministry asking for an inquiry into the performance

of the automobile industry in the country. However, after receipt of this question enquiries were made and I have been shown a copy of a speech delivered by the Minister of Labour and Rehabilitation on the 2nd November, 1971 in which he has said *inter alia* "After Independence, instead of merely assembling imported cars we decided to have our own independent car manufacturing units. But looking to the progress so far made *vis-a-vis* the ever-growing needs of the economy, to say the least it is rather disappointing. In my view a thorough enquiry is called for as to why it is so." These views are evidently the personal views of the Minister of Labour and Rehabilitation.

Several Committees and Commissions have enquired into various aspects of the performance of the passenger car industry during the last twelve years. While all aspects of the performance of the passenger car industry are constantly under review, it does not appear necessary to have a further enquiry into the performance of the industry at this stage.

श्री अमर नाथ चावला : अध्यक्ष महोदय, मंत्री महोदय ने यह बताया कि पिछले 12 वर्ष में कई इनक्वायरियां और कमिशन मुकर्रर हुए और इसलिए अब इस वक्त और इनक्वायरियां और कमिशन मुकर्रर करने की जरूरत नहीं है तो क्या इन इनक्वायरी कमिशंस की इनफोरमेशन की बेसिस के ऊपर मंत्री महोदय यह बतलाएंगे कि इन कारों की क्वालिटी का स्टैन्डर्ड हर साल गिरता गया है अर्थात ज्यों-ज्यों वह स्टैन्डर्ड गिरता गया है त्यों-त्यों उनकी कीमतें बढ़ती गई हैं तो क्या यह इनफोरमेशन इन इनक्वायरी कमेटीज और कमिशंस से इकट्ठा होती है ?

SHRI MOINUL HAQUE CHOUDHURY: Sir, the question relates to the automobile industry. The automobile industry consists of cars, commercial vehicles, jeeps, motor-cycles, scooters, trucks and mopeds. As far as cars are concerned, the question was looked into by a committee headed by Shri Pandey and it was called, the Car quality Enquiry Committee. It submitted a report to the Government. These recommendations were communicated to the car manufacturers for compliance and in order to ensure compliance, statutory directions under section 16 of the Industries (Development and Regulation) Act, 1951 were also issued to the car manufacturers in respect of the more important of those recommendations. In pursuance of one of the recommendations of the committee, a directive was issued to those car manufacturers and the associations of automobiles and ancillaries to obtain their items from companies who have ISI certification marks. I am sorry to say that despite these steps, there has been no appreciable improvement in the quality of some of the cars, though the number of complaints received has registered a marginal decline.

The reason primarily is the absence of quality consciousness among the car manufacturers. It is now proposed by the Government to constitute a technical committee which will visit car manufacturing plants and examine the extent to which the recommendations of the expert committee have been implemented. The Committee would also study the position of warranty claims and recognise the areas where complaints have been repeated and examine further the steps to be taken for improving the ancillary items in quality and performance. The Committee would also discuss with the manufacturers the implementation of the ISI certificate marks with specific reference to the immediate possibilities and programmes for a phased implementation. In order to bring about better balance between supply and demand and to create a healthy competition, Government have decided to set up a project in the public sector for the manufacture of passenger cars. (*Interruptions*)

AN HON. MEMBER: A long statement.

SHRI R. V. SWAMINATHAN: In view of the fact that there is no possibility of improving the quality or the quantity by the present car manufacturers in near future, will the Government come forward to speed up the small car project?

SHRI MOINUL HAQUE CHOUDHURY: We are expediting it very much.

श्री बी० पी० मौर्य: औद्योगिक विकास मंत्री जी ने अपने उत्तर में कहा कि श्रम मंत्री के व्यक्तिगत विचार होंगे। मैं जानना चाहूंगा कि व्यक्तिगत विचारों की उनकी परिभाषा क्या है। किसी विशेष गोष्ठी में उनका भी अगर बयान हो जाय एक मंत्री होने की हैसियत से तो उसके लिये भी वह कह सकते हैं कि उनका व्यक्तिगत विचार है, लेकिन देश की जनता का उस बयान से करोड़ों का फायदा या नुकसान हो सकता है। अगर वह चाहें तो मैं मिसाल दे सकता हूँ। मैं जानना चाहता हूं कि किसी विशेष गोष्ठी में किसी मंत्री के व्यक्तिगत विचार व्यक्त किये जा सकते हैं या नहीं और अगर किये जा सकते हैं तो व्यक्तिगत की परिभाषा हम को बतलाई जाये।

MR. SPEAKER: I could not follow the question.

SHRI B. P. MAURYA: He says that those were the personal views of the Labour Minister. The Labour Minister expressed his opinion in a definite way in an important seminar. What is the meaning of the personal views of the Minister being expressed in public? Can a Minister have in public his personal views?

SHRI MOINUL HAQUE CHOUDHURY: Yes; the Minister can have personal views in the public.

SHRI B. P. MAURYA: No, it is a very bad tradition.

SHRI DINEN BHATTACHARYYA: The Minister has given a long statement in reply to the earlier question. What was the rated capacity of the existing automobile factories and have they reached that capacity in the last three years? My second question is: was a committee set up by Parliament to go into the quality position of the passenger car manufacturing industry and if so has it submitted any report? What is the reaction of the Government?

SHRI MOINUL HAQUE CHOUDHURY: If the question relates to cars, then the position is as follows. Hindustan Motors Limited was set up before the Industries (Development and Regulation) Act was passed. Therefore, its registration certificate did not contain any particular number as its licensed capacity. But according to Sarjoo Prasad Commission and the Supreme Court, their achievable capacity is 30,000 and they had hitherto been obtaining raw material on the basis of 24,000 to 30,000 in the last few years. Their production in the last three years is: 1968-22,689; 1969 - 21,641; 1970 - 23,326; this year upto October - 20,404. The licensed capacity of Premier Automobiles is 7,200. Again according to the Sarjoo Prasad Commission as well as the Supreme Court, their achievable capacity is 14,000. They had produced 12,276 cars in 1968; 12,218 in 1969; 12,054 in 1970 and 10,770 this year upto October 1971. The Standard Motor Products of India Ltd., ...

MR. SPEAKER: The whole Question Hour will be taken up by this.

SHRI MOINUL HAQUE CHOUDHURY: This is the last one.

It has got a licensed capacity of 2,640 cars. According to the Supreme Court, their achievable capacity is 3,400. They have produced 2,345 in 1968, 1,406 in 1969, 450 in 1970 and 483 in 1971.

So far as the second part of the question is concerned, I am not aware of any Parliamentary Committee report.

MR. SPEAKER: I think that information was very comprehensive. We had enough of questions the other day on it. Next question.

Poor performance of Pentaconta Exchanges

*367. SHRI S. C. SAMANTA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the seven-year contract between the Indian Telephone Industries and the Bell Telephone Manufacturing Company for the Crossbar Exchange manufacture has been extended recently despite poor output at the Bangalore factory and poor performance of these Pentaconta Exchanges as disclosed in an article in the *Hindu* on October 11, 1971; and

(b) whether the deal with Bell Group was signed without taking any expert opinion of the then Members in-charge of Telecommunications?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) The collaboration agreement with the Bell Telephone Manufacturing Company of Belgium which was due to expire on the 20th May, 1971, has been extended by one year without payment of royalty so as to facilitate the attainment of full rated capacity of Crossbar equipment at the Indian Telephone Industries Ltd., by the end of March, 1972 and to get over certain difficulties which have been encountered in the maintenance and working of the crossbar exchanges, the equipment for which was imported from Belgium. During this extended period, the Bell Telephone Manufacturing Company have agreed to supply some additional machine at their cost and also make available the services of their technical experts.

(b) No.

SHRI S. C. SAMANTA: That are the grounds for not appointing a special committee to go thoroughly into the background of the collaboration with this Bell Co.; and the present problems of manufacture at Bangalore and in the working and maintenance of the crossbar exchanges?

SHRI H. N. BAHUGUNA: Way back in 1963 the Government of India appointed a committee to go into the question of the manufacture of switching equipment for the expanding needs of the country. A technical committee was constituted by the Ministry of Communications. It went round seven or eight countries to examine the various systems that are in vogue. The Committee made its recommendations. Of course, the Committee was divided in its opinion. The Director of Telecommunications Research was of the opinion that the Pentaconta system as given by the Belgians was the best suited to the country, whereas the other two Members were of the view that that system had certain deficiencies. Thereafter the matter was referred to the Cabinet Sub-committee. After the Secretary to the Government had given his note, the Cabinet Sub-committee decided on the adoption of this system. This system has been working, and we have found that it has not been able to come to the rated capacity upto 1970-71. The rated capacity was 100,000 lines a year; the maximum reached is 40,000 lines in 1970-71. There are number of reasons for this shortfall. One of the reasons which has recently come to light is the short supply of capital equipment by the collaborators even in the initial period. Now the collaboration was coming to an end ...

MR. SPEAKER: How can I ask members to be brief in their questions if the

Minister takes so long a time to reply? Just before this, the Minister took about 8 to 10 minutes for his reply. Please be brief.

SHRI H. N. BAHUGUNA: He has put five questions and I have to answer them. Otherwise, I will be misunderstood.

The collaborators have agreed to make up for the deficiency of capital equipment and also to set right the technical defects now found in it. They have also promised to help us to bring our production to the rated capacity. I am happy to say that during the last seven months, the production has come to 80,000 lines a year on an average.

SHRI S. C. SAMANTA: May I know whether industrial relations at ITI have deteriorated and production has gone down? If so, may I know whether this ministry or the ITI has refused to accept the technician seat by the Bell Company?

SHRI H. N. BAHUGUNA: We have never refused any technician. In fact, it is their responsibility to choose their own people. So far as workers are concerned I congratulate them on having maintained perfect industrial relations in that factory.

SHRI M. S. SANJEEVI RAO: The Minister promised in the last budget session that he will try to improve the efficiency of ITI and also improve the production rate of transmission equipment and cross-bar exchange system. What effective steps has he taken in this regard? May I also know whether he has taken any steps to manufacture the reed relays which are a very important item in the manufacture of cross-bar system?

SHRI H. N. BAHUGUNA: Production has already doubled during the last seven months and we hope to reach the rated capacity. So, efficiency is increasing.

SOME HON. MEMBERS *rose*.—

MR. SPEAKER: In 45 minutes, we have not even disposed of five questions. Next question.

Shifting of Vividh Bharati Unit from Delhi to Bombay

*368. SHRI N. K. SANGHI : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether the Vividh Bharati unit of All India Radio will be shifted to Bombay;

(b) whether this unit of All India Radio was first located in Bombay and, if so, the considerations weighed in favour of bringing this unit to Delhi and now shifting it back to Bombay; and

(c) the expenditure involved in effecting this transfer?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY): (a) and (b). Yes, Sir. A part of the Vividh Bharati Unit of Bombay was shifted to Delhi temporarily in 1958, due to the lack of accommodation and expansion facilities there. Since the new Broadcasting House has been constructed in Bombay, it has become possible to accommodate the entire Vividh Bharati Unit there. This will facilitate organisational efficiency, administrative convenience and better coordination with Commercial Service which has its headquarters at Bombay.

(c) Approximately Rs. 12.42 lakhs. Of this, an amount of Rs 10.71 lakhs is being incurred on renovation of studios and additional equipment which would have been necessary even if a part of the unit had continued to be at Delhi.

SHRI N. K. SANGHI : In view of the economic burden imposed by the Bangladesh refugees, may I know whether this

large expenditure in shifting the unit from here to Bombay should be deferred for some time, so that every rupee that we spend today can be conserved?

SHRIMATI NANDINI SATPATHI: This scheme was taken up much earlier and the expenditure was decided to be incurred in 1969. Now after all the arrangements have been made, it is very necessary to shift the Delhi unit to Bombay so that Vividh Bharati may function in a proper manner.

SHRI N. K. SANGHI: May I know whether the Government expect to get better revenues by shifting those offices of Vividh Bharati to Bombay?

SHRIMATI NANDINI SATPATHI: Yes, it will have better coordination with the Commercial Services of Bombay and there will be better arrangements also.

श्री फूलचन्द वर्मा : अध्यक्ष महोदय, मैं आपके माध्यम से मंत्री महोदया से जानना चाहता हूं कि आज जो हमारे देश के ऊपर पाकिस्तानी संकट आया हुआ है साथ ही साथ बंगला देश की समस्या भी विद्यमान है, ऐसी स्थिति में क्या यह निर्णय स्थगित करने के लिए तैयार हैं कि फिलहाल यह यूनिट वहां शिफ्ट न करें ?

अध्यक्ष महोदय : यही तो उन्होंने अभी जवाब दिया ।

Proposal for tackling problem of Unemployment

*371. SHRI H. M. PATEL: Will the Minister of PLANNING be pleased to state:

(a) whether Government have formulated any proposals for tackling the problem of unemployment and slow growth;

(b) if so, the salient features of the problems; and

(c) the reaction of other Ministries of the Government of India in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

In conformity with the emphasis laid in the Fourth Plan for generating more and more employment opportunities, the Planning Commission advised the Central Ministries, State Governments and Union Territories to take effective steps to give employment orientataion to the programmes to be taken up in the Fourth Plan through the successive Annual Plans and to adopt appropriate labour-intensive technologies with due regard to efficiency and economy.

While the programmes of economic development with an employment bias would provide the bulk of the employment opportunities during the Plan period, it was considered necessary to formulate specific programmes, both in the Plan and outside, designed to deal more directly and effectively with the more vulnerable sections of the population and areas, affected by the unemployment and underemployment. Recognising the urgent nature of the problem and the need to initiate action, necessary provision has been made in the budget of 1970-71 and 1971-72 for schemes designed to benefit the small farmers, marginal cultivators and agricultural labourers and also to meet the employment needs of certain areas. In view of the chronic unemployment and under-employment conditions in drought prone areas, a rural works programme has been undertaken for providing employment on productive works. Further, a crash

scheme for rural employment has been undertaken with effect from April 1971, which is expected to generate additional employment for about 1,000 persons in each District.

The question of providing employment to the increasing number of educated persons and trained technical personnel is given special attention. Emphasis is being attached to the vacationalisation of education so as to fit such persons to the changing needs in the economic and social environment. Stress has been laid on the diversification of trades in the Industrial Training Institutes and on the opening of facilities in the newly emerging trades such as tool and die making, electronics and chemicals and on the apprenticeship programme including provision of basic training facilities. Various schemes have been undertaken such as investigation and preparation of project reports for irrigation power, industrial and other projects included in the Plan and utilisation of consultancy and design services, which are likely to provide increasing opportunities to highly qualified engineers and other technical personnel. For enabling technical and other qualified persons to engage in productive activities, schemes of assistance for self employment have been undertaken. The State Bank of India is operating a scheme of special assistance to entrepreneurs to set up small industries on their own under which liberal financial assistance is given. Similar schemes are also being operated by certain other nationalised banks and some State Governments. The Ministry of Industrial Development has initiated a scheme for training engineering entreprneurs for self-employment.

A special provision was made in the Central Budget for 1971-72 for schemes specially designed to suit the educated unemployed including engineers and technicians and programmes formulated by various Central Ministries involving an annual outlay of little over Rs. 25 crores have been sanctioned. These programmes are expected to continue in the coming two years.

The Fourth Plan envisaged an increase in National income at an average annual compound rate of growth of 5.6%. The actual rate of growth has been 3.5% in 1969-70, 4.8% in 1970-71 and 5% for the two years taken together. While the overall rate of growth has shown only a modest shortfall, sectoral growth over the two years period has been quite uneven. If the original anticipations in regard to overall rate of growth are to materialise the economy would need to achieve 6.2% average rate of growth of net domestic product during 1971-72 to 1973-74. In 1971-72, however, there has been a sharp decline in the rate of industrial growth in the first half of the year. It has since picked up; but the present assessment is that the average rate of growth may not be more than 5.5% per annum, for the remaining period of the plan. Even to achieve this there should be :

(a) vigorous revival of industrial growth;

(b) large increases in the output of non-cereal crops like cotton, jute, oil-seeds, pulses and sugar-cane;

(c) a significant step up in the rate of investment.

Various proposals in this regard are under examination in consultation with other ministries. A clear picture however will be available only when the appraisal work is complete.

SHRI H. M. PATEL : Will the Minister be pleased to indicate what is the extent of additional employment achieved by these schemes?

SHRI MOHAN DHARIA : We have introduced several schemes to remove both rural and urban unemployment of both educated and illiterate. At this stage it is very difficult to say exactly how many have been employed under the various schemes. That is being considered.

SHRI H. M. PATEL : Fund have been allotted for various schemes and some of them have been in ogeration for two years. Why is it not possible to arrange to obtain information from each of these organisations such as the State Bank of India for instance to see what additional schemes they have sanctioned and what additional employment has been achieved under each of those schemes? Why is it not feasible?

SHRI MOHAN DHARIA : I entirely share the feelings of the hon. Member. That is why we have reinforced the information system in the Planning Commission. During the appraisal also we are trying to ascertain from several State Governments as to how we could get information from them.

SHRI K. SURYANARAYANA : According to the statement rural works programmes have been undertaken for providing employment on productive works. It further says that a crash scheme for rural employment has been undertaken with effect from April 1971, which is expected to generate additional employment for about 1,000 persons in each district. As the House is aware, during the last two or three months drough conditions have prevailed. Yet, the State Governments have not taken any interest in undertaking schemes to provide employment. Therefore, instead of giving money to the State Governments and then asking for information from them, could the Centre, not have their own agency to get information?

SHRI MOHAN DHARIA : I have already said that we shall have to reinforce our information system. It will be unfair to the State Governments if we say that we will take them up ourselves. Many schemes to provide employment have been cleared and are being implemented.

SHRI K. SURYANARAYANA : Could the Centre not have their own machinery to implement this?

MR. SPEAKER : The Minister has said that it will be unfair to the State Governments.

श्री हुकम चन्द कछवाय : देश में भिन्न भिन्न राजनीतिक दल काम करते हैं और उनके अपने विचार बेरोजगारी समाप्त करने के हैं। क्या उनके विचारों पर भी आप विचार करते हैं और उन पर अमल करने की कोशिश करते हैं ?

आपने एक हजार व्यक्तियों को हर जिले में काम दिलाने की बात की थी। आज भी कई राज्यों के अन्दर इस पर अमल नहीं हो रहा है। मैं जानना चाहता हूं कि इसके लिए आप कौन-सा कदम उठाने जा रहे हैं ?

SHRI MOHAN DHRIA : It is because of these reasons that we have had our consultations with the various Opposition parties, including hon. Members of the Jana Sangh.

Regarding the other question I may say that we are insisting on the monitoring system so that, if any plan or scheme is approved, there should be some authority for the Planning Commission, if not to get it implemented, at least to see that it is being implemented. That is why we are insisting that, along with the information system, there should be a competent monitoring system. I would like to have

the cooperation of all Members of the House in order to get the scheme approved by the State Governments.

श्री हुकम चन्द कछवाय : मेरे प्रश्न के दूसरे भाग का उत्तर नहीं आया है। उन्होंने कहा है कि हर जिले में एक हजार व्यक्तियों को काम मिलेगा। कई जिलों में ऐसा नहीं हो रहा है। मैं जानना चाहता हूं कि इसके लिए सरकार कौन से कदम उठाने जा रही है ? इसका उत्तर नहीं आया है।

श्री मोहन धारिया : मैंने यह बताया है कि 321 जिलों में यह स्कीम मंजूर हो चुकी है और इम्प्लेमेंट हो रही है। इसके बारे में हमें इनफार्मेशन अच्छी मिले, इसके लिए हम भी कोशिश कर रहे हैं और इस काम में हम आपका भी सहयोग चाहते हैं।

श्री रामावतार शास्त्री : क्या यह सच है कि आए दिन सरकारी कर्मचारियों की छंटनी की जा रही है ? क्या यह भी सच है कि कल या परसों के सैंसर विभाग में काम करने वाले हजारों.....

अध्यक्ष महोदय : रेलेवेंट सवाल करिए।

श्री रामावतार शास्त्री : जिनको बेकार बनाया जा रहा है, उनके लिए मैं सवाल पूछ रहा हूं। वहां हजारों लोगों को बेकार बना दिया गया है। यह चीज बहुत से सरकारी कार्यालयों में हो रही है। बेकारी के बारे में मैं बात पूछ रहा हूं....

अध्यक्ष महोदय : जो इससे संबंधित प्रश्न है वह करिए और बेकार सवाल मत करिए।

श्री रामावतार शास्त्री : बेकारी का सवाल कर रहा हूं।

अध्यक्ष महोदय : बेकार न करिए।

श्री रामावतार शास्त्री : बेकार नहीं साकार कर रहा हूं। लाखों लोग जो नौकरी से निकाल दिए गए हैं ऐसे लोगों को फिर काम मिले, इसकी भी आप कोई योजना बनाएंगे या नहीं ?

SHRI MOHAN DHARIA : This House will kindly appreciate that whenever we provide employment it should be with some purpose—some production purpose or some administrative purpose. Even then, when any Government employee is to be retrenched for some reasons, it is the endeavour of Government to see that such employees get priority for re-employment.

अध्यक्ष महोदय : मैं सबसे पीछे वाले बैंचिज पर जाना चाहता हूं। जो बैंक बैंचेज आगे आ गए हैं, उनके पास नहीं जाऊंगा।

SHRI B. V. NAIK : Besides the additional schemes which we have, there is a considerable amount of reserve employment potential. For example, generally in most of the employing places, whether it is Government, non-Government or local body, 25 to 30 per cent of the employment reserve is still there. Has a clearcut decision been taken that for the time being at least this 25 to 30 per cent of the employment reserve would be brought down to zero ?

SHRI MOHAN DHARIA : This question was put last time also by the hon. Member. As I have said, while we are having a reappraisal of this plan, we are taking into consideration this reserve employment potential.

Bhubaneswar-Delhi Direct Dialling System

*372. SHRI RAMKANWAR : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether any suggestion has been received by Government from several Mem-

bers of Parliament for connecting Bhubaneswar. with Delhi through Direct Dialling System; and

(b) if so, the reaction of Government in this regard ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) Yes, Sir.

(b) Connection of State Capitals to Delhi by Subscriber Trunk dialling facility is an accepted principle of the Government and this is being implemented in phases as and when sufficient number of trunk circuits between the stations become available. Sufficient circuits to connect Delhi to Bhubaneswar are expected to be available when the Calcutta-Madras Coaxial cable System is completed between Calcutta and Cuttack in 1974.

श्री राम कंवर : भुवनेश्वर और दिल्ली के बीच सीधी टेलीफोन सेवा चालू नहीं है और अगर वहां टेलीफोन करना पड़ता है तो कलकत्ता होते हुए करना पड़ता है । इसलिए लोगों की कठिनाइयों को देखते हुए और संसद सदस्यों ने कितनी ही बार सरकार के सामने इस सुझाव को रखा है, इसको ध्यान में रखते हुए मैं आपसे पूछना चाहता हूँ कि जल्दी से जल्दी कब तक यह टेलीफोन सेवा चालू कर दी जाएगी ?

श्री हेमवतीनन्दन बहुगुणा : मैंने अर्ज किया है कि उसका बन्दोबस्त कर रहे है ।

श्री रामकंवर : यह कब तक हो जाएगा ?

श्री हेमवतीनन्दन बहुगुणा : 1974-75 तक ।

Guidelines for Governors

*373. SHRI MUKHTIAR SINGH MALIK : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government's attention has been drawn to the report of the 5-Member Governors' Committee regarding guidelines for the State Governors in discharging their constitutional role;

(b) whether the Committee has also expressed the view that in case of doubt about majority support to a Government, the Assembly should be convened in the shortest possible time to clear it; and

(c) if so, the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) Yes, Sir. The report of the Committee of Governors has been published.

(b) In Chapter V of the report, the Committee has examined at length as to how it should be determined whether the Legislative Assembly has withdrawn its confidence from a Council of Ministers.

(c) The Administrative Reforms Commission had also made a recommendation on the subject, in their report on Centre-State Relationships, and the recommendation is under examination. Before finalising their views on the matter, the Government will also take into account the views expressed in the report of the Committee of Governors.

SHRI MUKHTIAR SINGH MALIK : The hon. Minister has not committed about the recommendations of the 5-Member Governors' Committee. They have recommended that the session of the Assembly should immediately be called in case of doubt of majority in the Assembly enjoyed by the Council of Ministers. Further, I

would like to ask the hon. Minister whether it is a fact that such a decision had also been taken in the Conference of Presiding Officers as well. I would like to remind you, Sir, that your predecessor was kind enough to remark on the floor of this House, in the case of Haryana, in 1968, that the session of the Assembly should be called within seven days.

Secondly, I would like to ask the hon. Minister that, in spite of the views expressed or the recommendations made by the three high-powered bodies, the Presiding Officers' Conference, the A.R.C. and the 5-Member Governors' Committee how long will it take the Government to arrive at a final decision in the matter ?

SHRI K. C. PANT : The Government was waiting for the recommendations of the Committee of Governors before coming to a final decision. The Government did have before it the recommendations of other bodies referred to by my hon. friend, including the recommendations of the Conference of Presiding Officers which was convened by the Speaker of the Lok Sabha in April, 1968. But we were waiting for the recommendations of the Committee of Governors before coming to a final decision.

SHRI MUKHTIAR SINGH MALIK : What is the difficulty the Government is facing to arrive at such a decision ?

MR. SPEAKER : Mr. Kathamuti—absent.

Shrimati Savitri Shyam—absent.

Mr. Chintamani Panigrahi—absent.

The Question Hour is over now.

WRITTEN ANSWERS TO QUESTIONS

Licence for setting up Paper Mill in Kerala

*361. SHRI A. K. GOPALAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Government of Kerala had applied for grant of licence to start a paper manufacturing factory in Kerala;

(b) if so, the main terms and conditions thereof; and

(c) whether the licence has been granted ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) to (c). A statement is laid on the Table of the House.

STATEMENT

The Kerala State Industrial Development Corporation, have submitted an application for the grant of an industrial licence for the establishment of a new industrial undertaking in the State of Kerala for the manufacture of Chemical Pulp, printing and writing paper and paper boards. The name of the undertaking is proposed to be Paper and Boards (Kerala) Limited and it will be owned by a public limited company.

The salient features of the proposal are as follows :

1. *Capacity*

i) Chemical Pulp...1 lakh tonnes per annum.

ii) Writing & Printing Paper and paper Boards ... 1 lakh tonnes per annum.

2. *Raw Material*

Bamboo, Soft Wood, and rags will be the raw materials to be utilised for the project.

3. *Location*

The exact location will be decided by the Corporation.

4. *Mode of Financing*

The Kerala State Industrial Development Corporation proposed to have substantial equity participation in the undertaking, besides a proposal to invite the Hindustan Paper Corporation, Industrial Development Bank of India, Industrial Finance Corporation of India and the Life Insurance Corporation of India to participate substantially in the equity capital. According to the Corporation between 60 to 75% is proposed to be held by these institutions. The public will also be invited to participate in the balance of the equity capital.

5. *Project Cost*

The cost is estimated at Rs. 60 crores with an import content of 25 crores.

6. *Execution*

No foreign collaboration is envisaged. M/s Seshasayee Enterprises (Private) Limited are proposed to be engaged for executing the project on a turn-key basis.

7. *Date of commissioning*

It is estimated that the implementation of the project will take between three to four years.

8. *Employment potential*

About 3,300 persons are expected to be employed direct on the project. In addition, about 1000 to 1,250 persons will be engaged in the mill for storing and stacking of raw material etc.

This application is under consideration of Government.

Deployment of Central Industrial Security Force in Public Sector Undertakings

*363. SHRI R. P. ULAGANAMBI : Will the Minister of HOME AFFAIRS be pleased to refer to the reply given to Unstarred Question No. 6893 on the 4th August, 1971 regarding deployment of Central Industrial Security Force in Public Sector Undertakings and state :

(a) the names of other public sector undertakings in which the Central Industrial Security Force has since been inducted ; and

(b) the anticipated strength of the Central Industrial Security Force to cover all the Central Public Undertakings ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) A statement is attached.

(b) The Central Industrial Security Force is being inducted in the Public Sector Undertakings, on a phased basis. Thus, while such induction has been made in a number of units fully, and in some others, partially, CISF is yet to be inducted in a number of Public Sector Undertakings. A Survey of requirements of CISF personnel in these Undertakings has been taken in hand, on a phased basis. The ultimate strength of the CISF required to cover all the Central Public Sector Undertakings will be available, only after the survey is completed.

STATEMENT

Name of Public Sector Undertakings where the Central Industrial Security Force has been inducted after 4-8-1971.

(A) *Fully Inducted:*

(1) Hindustan Copper Ltd., Khetri Unit (Rajasthan)

(2) Tuticorin Harbour Project.

(3) National Instruments Ltd., Jadavpur.

(4) Indian Telephone Industries, Naini.

(B) *Partially Inducted* :

(1) Visakhapatnam Port

(2) Bhilai Steel plant

(3) Rourkela Steel Plant

(4) Haldia Port

(5) Space Research Centre, Thumba.

Coimbatore-Ooty-Khozikode Microwave Radio Relay System

*369. SHRI E. R. KRISHNAN : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the Coimbatore-Ooty-Khozikode expansion of Microwave Radio Relay System has been taken up for installation work; and

(b) if so, the progress made in this regard?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) Yes, Sir.

(b) Detailed engineering and field survey for microwave scheme has been completed. Orders have been placed on I.T.I. for supply of equipment. Further action is being taken for acquiring sites for setting up microwave stations.

Missionaries in Nagaland and Meghalaya

*370. SHRI RANABAHADUR SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Governments of Nagaland and Meghalaya are not allowing other Missionaries to function in the State except the Christian Missionaries; and

(b) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) The Governments of Nagaland and Meghalaya have not imposed any restrictions on the functioning of any religious organisations or on the right of any organisation or individuals to propagate any religion.

(b) Does not arise.

Encouragement for setting up of Small Paper Mills

*374. SHRI M. KATHAMUTHU : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether the Indian Pulp and Paper Technical Association has urged Government to encourage the setting up of small paper mills in the country; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) The delegation of the Indian Pulp & Paper Technical Association has suggested that, instead of discouraging, the coming up of small

paper Mills, certain measures of orienting these mills for the manufacture of speciality papers may be taken.

(b) Such assistance as is possible is being given by Government.

Agitation for Autonomy to States

*375. SHRIMATI SAVITRI SHYAM : SHRI CHINTAMANI PANIGRAHI :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the attention of Government has been drawn towards a news item appearing in the *Indian Express* dated the 20th September, 1971 wherein the Chief Minister of Tamil Nadu said that they would launch a stir for State autonomy;

(b) whether the Chief Ministers of some other States have also made such statements;

(c) if so, the nature of demands made; and

(d) the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (d). Government have seen the news item in the '*Indian Express*' dated the 20th September, 1971. The comments of the Government of Tamil Nadu on the news item are awaited. However, the State Government had reported earlier that while addressing a meeting in Madras on the 19th September, 1971, Dr. M. Karunanidhi, Chief Minister of Tamil Nadu, said that the DMK had abandoned the demand for a separate Tamil Nadu and it was now putting forth its request for more powers to the States. He also stated that the demand for State autonomy had been allowed to lie dormant because of the Bangla Desh problem and that it was not given up once for all. Government have no information about any other Chief Minister having made any similar statement.

Questions relating to Centre-State relations have been studied in depth by the Administrative Reforms Commission and the Study Team appointed by the Commission. The Administrative Reforms Commission have come to the conclusion that 'the provisions of the Constitution governing Centre-State relations are adequate for the purpose of meeting any situation or resolving any problem that may arise in this field'. The recommendations of the Administrative Reforms Commission on Centre-State relationships are under examination. The views and reactions of the State Governments on the recommendations of the Administrative Reforms Commission have also been solicited.

Shortage of Cement

*376. KUMARI KAMALA KUMARI : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the attention of Government has been drawn to the new items appearing in *Newsday* (Evening Daily of Delhi) dated the 25th October, 1971 under the caption "There is shortage of cement and Government seeks Big Business help";

(b) if so, the reasons therefor and the steps taken by Government to meet the demand therefor: and

(c) the names of those big houses who have agreed to set up cement plants ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) to (c). Government have seen the news item

referred to. They have not sought the help of Big Business to overcome the shortage of cement as reported.

On the basis of the growing trends in the demand for cement *vis-a-vis* the supply position, it was anticipated that the supply might fall short of demand by about 5 million tonnes in 1975. Government, therefore, issued a Press Note calling for applications for setting up of new capacity for production of cement. Applications were received from interested entrepreneurs. Letters of intent for a capacity of about 3.5 million tonnes have already been issued. Applications for a further capacity of about 9.0 million tonnes are at various stages of consideration. These are expected to meet the anticipated shortage.

Profit earned by H. M. T.

*377. SHRI SARJOO PANDEY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Hindustan Machine Tools Ltd., have earned a profit after running into loss continuous for four years;

(b) whether the profit so earned has made up the losses suffered by the Hindustan Machine Tools Ltd., and

(c) the causes which led to the profit ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) Hindustan Machine Tools Ltd. made a profit of Rs. 30.78 lakhs in the year 1970-71 after incurring losses in the years 1967-68, 1968-69 and 1969-70. It made profits earlier from 1956-57 to 1966-67.

(b) No, Sir, if the loss of these 3 years is compared with the profit made in 1970-71. But if the total picture since the inception of Hindustan Machine Tools Ltd., is taken then it made a profit of Rs. 1253.70 lakhs as against a loss of 154.52 lakhs suffered in 1967-68 to 1969-70.

(c) Increase in the production and sales from Rs. 16.42 crores and Rs. 16.67 crores respectively in 1969-70 to Rs. 20.37 crores and Rs. 20.43 crores respectively have resulted in a profit during 1970-71.

Inquiry against M/s. Britannia Engineering Co. Ltd., Calcutta

*378. SHRI N. E. HORO :
SHRI K. MALLANNA :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to refer to the reply given to Unstarred Question No. 192 on the 25th May, 1971 regarding the inquiry against M/s. Britannia Engineering Company Ltd., Calcutta and state :

(a) whether Government have since examined the report of the Investigating Committee; and

(b) if so, the recommendations made therein and the steps taken by Government to implement them ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) Yes, Sir.

(b) The Committee came to the finding that the closure was due to the following:—

(i) Financial mis-management.

(ii) Faulty production and sales planning.

(iii) Absence of prudent purchase and inventory policies.

(iv) Additions to capital assets despite under utilization of capacity.

Conclusions :

The Committee has come to the conclusion that—

(i) the production of the undertaking is not critical to the country's requirements and that

(ii) restarting of the Unit would need induction of fresh finance of Rs. 250 lakhs without any prospect of commensurate returns.

The Committee has, therefore, not recommended take-over of the management of this Company under Industries (Development and Regulation) Act, 1951.

Government has accepted the major recommendations of the Committee that Management of this Company may not be taken over under the Industries (Development and Regulation) Act, 1951.

Basis of creation of Telephone District

*379. SHRI RAMAVATAR SHASTRI: Will the Minister of COMMUNICATIONS be pleased to state :

(a) the formula for the creation of a Telephone District;

(b) whether the Patna Telephone System is having more than ten thousand Telephone connections; and

(c) if so, the reasons for not creating the Patna Telephone District ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) At present formation of a Telephone District is usually considered on an *ad hoc* basis when equipped capacity as well as the working connections exceed 10,000.

(b) Yes, Sir. It has recently exceeded 10,000 lines.

(c) The question of evolving approved standards has been referred to S. I. U. of the Ministry of Finance. In the meanwhile, the case relating to Patna is being taken up on the basis of the *ad hoc* formula.

Regional Imbalances in Economic Growth

*380. SHRI RAJDEO SINGH: Will the Minister of PLANNING be pleased to state :

(a) whether Government are aware of the existence of the regional imbalances in the country's economic growth; and

(b) if so, the steps contemplated by Government to remove imbalance in the regional economic growth and to create employment potential in every category of industry ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): (a) and (b). A statement is laid on the Table of the House.

Statement

STEPS TAKEN TO REMOVE REGIONAL IMBALANCES

The Government of India are aware that regional imbalances exist in the country's economic growth. The steps taken by Government to remove these imbalances in economic growth and to create employment potential in various directions, are set out below:—

(i) In allocating Central assistance among various States for the Fourth Five Year Plan, after providing for the requirements of the States of Assam, Nagaland and Jammu & Kashmir, which have special problems, 10% of the sum available for distribution by way of Central assistance has been allocated to the six States of Bihar, Orissa, Rajasthan, Kerala, Madhya Pradesh and Uttar Pradesh whose *per capita* income was below the national averages;

(ii) The non-Plan gap in the resources of nine States (Andhra Pradesh, Assam, Jammu & Kashmir, Kerala, Madhya Pradesh, Mysore, Orissa, Rajasthan and

West Bengal) estimated to be Rs. 795.23 crores during the Fourth Plan period, is being met by the Centre, so that they can utilise all the additional resources which they can mobilise during the Fourth Five Year Plan period for financing their development programme;

(iii) A liberal pattern of Central assistance has been evolved for the development of hill and border areas. The entire expenditure on their development programmes is being met by the Government of India within the total Central assistance for each of the State concerned; 90% of the amount of expenditure incurred in this behalf in Meghalaya, Assam, Nagaland, Jammu & Kashmir (Ladakh) and Himachal Pradesh (Lahaul, Spiti and Kinnaur districts) is given as a grant. The balance of 10% is treated as loan. The pattern of Central assistance in the hill and border districts of Uttar Pradesh, Darjeeling (West Bengal) and Nilgiris (Tamil Nadu) is 50% grant and 50% loan.

(iv) An important measure for reducing disparities is accelerating the pace of industrial development in backward areas. The districts needing attention have been identified and notified with the cooperation of the State Governments in pursuance of the criteria laid down by the Pande and Wanchoo Committee Reports. Preference is being given to such areas in the location of large-scale industrial projects in the public sector, provided they are found to be feasible on techno-economic considerations. The Licensing Committee also gives preferential treatment to applications from the backward regions.

(v) Rs. 32.50 crores have been allocated during the Fourth Five Year Plan for 489 Tribal Development Blocks under a Centrally sponsored scheme.

(vi) District Plans are being prepared in some of the States which will result in identifying the problems of backward regions and will help in evolving measures for solving their problems.

(vii) 209 industrially backward districts in States and of Union Territories have been selected throughout the country for concessional finance for new industries from the financial and credit institutions. In addition, the Central Government is giving an outright grant or subsidy amounting to 1/10th of the fixed capital investment of new units having a total fixed investment of not more than Rs. 50 lakhs each, in two selected districts in each of the 9 States identified as industrially backward *viz.* Andhra Pradesh, Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Nagaland, Orissa, West Bengal and U.P. and one district in each of the remaining States and Union Territories.

(viii) Special programmes of large magnitude are being implemented for the benefit of the weaker sections of the rural population and for the development of dry and arid areas. These special programmes are being sanctioned and implemented under the guidance of a Central Committee of Coordination presided over by a Member of the Planning Commission. An officer of the rank of Additional Secretary is the Member-Secretary of this Committee. 46 Small Farmers' Development Agency Projects, 41 projects for sub-marginal Farmers and Agricultural Labour and 24 Projects for farmers in dry areas have been sanctioned. An amount of Rs. 100 crores has also been provided for an integrated programme of rural works in 54 chronically drought affected areas.

(ix) A Crash Scheme for rural unemployment has also been launched with a provision of Rs. 50 crores per annum.

(x) A Rural Electrification Corporation has been set up recently and is giving finance on concessional terms to State Electricity Boards for rural electrification programmes in backward areas.

Further, a mid-term appraisal of the Fourth Five Year Plan is nearing completion; this is directed at re-orienting the Plan so as to accelerate the pace and effective use of investment in the economy and also to re-arrange sectoral priorities with a view to giving greater attention to production-oriented and labour-intensive schemes and programmes. These latter measures are designed to create larger employment potential in every category of industry and other forms of economic activity.

Issue of Licence to Motor Industries Company

*381. SHRI Y. ESWARA REDDY :
SHRI C. JANARDHANAN :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether Government are aware that the new licence to Motor Industries Company would create a new crisis of overproduction in several items of Fuel Injection Equipment of Automobiles;

(b) the names of items and annual capacities for which the licence is granted;

(c) the terms and conditions and restrictions, if any, incorporated in the licence; and

(d) if the reply to part (a) above be in the affirmative, the reaction of Government thereto?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY): (a) No, Sir.

(b) The annual capacity for which the expansion licence has been granted is as under :—

(i) Single Cylinder pumps	4,02,000 Nos.
(ii) Multicylinder pumps including distributor and multifuel type	13,000 Nos.
(iii) Elements	18,00,000 ,,
(iv) Delivery valves	15,60,000 ,,
(v) Nozzle holders	4,08,000 ,,
(vi) Nozzles	22,80,000 ,,

(c) The expansion licence has been granted on the following conditions :—

(i) The share-holding of M/s. Robert Bosch, their collaborators, in the equity capital of the company should be brought down from 57% to 51% within two years from 4th June, 1971.

(ii) M/s. MICO will guarantee to export every year to the extent of not less than Rs. 2.87 crores which will roughly represent 15% of the book value of their current annual production and 25% of the book value of their additional production resulting from the expansion scheme. They will also endeavour to raise their exports to 40% of their annual production, without seriously jeopardizing internal requirements.

(d) Does not arise.

Telephone, Telegraph and Head Post Office complex and Cannanore

*382. SHRI C. K. CHANDRAPPAN : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the construction of the Telephone, Telegraph and Head Post Office complex in Cannanore is progressing at a very slow pace;

(b) if so, the reasons therefor; and

(c) the steps taken to expedite it ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): The progress of constructions at present are :

(a) *H.P.O. & D.T.O.*

In the past construction had been slow but is now progressing satisfactorily.

Telephone Exchange

The telephone exchange building has now been completed.

H.P.O. and D.T.O.

(i) The design of the building had to be revised due to changes affected by the local town planning authorities for the surrounding areas.

(ii) Shortage of steel.

(iii) Scarcity of water required for building construction.

(c) *H.P.O. and D.T.O.*

The requisite quantity of steel has been arranged and the work is now progressing satisfactorily. The progress of the building is 85% and is expected to be completed by February'72.

Semi-Antomatic Dialling on International Telephone Circuits

*383. SHRI VEKARIA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether India will have semi-automatic Trunk Dialling facility on some of the Imernational Telephone Circuits from the middle of the next year;

(b) if so, the names of the countries that will be covered; and

(c) the expenditure likely to be incurred thereon ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) Yes.

(b) The countries with which semi-automatic Trunk Dialling is likely to be available are United Kingdom, United States of America, Canada, Japan, Australia, Singapore and some European countries.

(c) The cost of the semi-automatic telephone exchange under installation is about Rs. 52 lakhs.

Export of Paper and Paper board and their shortage in the Country

*384. SHRI V. MAYAVAN: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the export performance of paper and paper board has been satisfactory during the current year as compared to 1970;

(b) the figures of export of paper and paper board in 1969, 1970 and for the period available in 1971; and

(c) the steps taken to remove the shortage of writing and printing papers in the country ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY): (a) to (c). The figures of export of paper and paper board during the last two years are as under : —

1969-70	Rs. 3.84 crores (23,418 m. tonnes)
1970-71	Rs. 3.93 crores (23,825 m. tonnes).
1971-72	Rs. 0.55 crores (3000 m. tonnes),

(for two months).

The production of printing and writing paper has increased from 3.93 lakh tonnes in 1968 to 4.45 lakh tonnes in 1970. Although the production of printing and writing paper is gradually increasing, shortages in supply of low grammage of printing and writing paper have been reported. In order to meet the growing demand of printing and writing paper Government have taken the following steps :

(i) Government have encouraged substantial expansion of the existing paper mills and establishment of new units wherever raw materials resources permit.

(ii) Government have taken up a Crash Programme for increasing production in the existing paper mills by the provision of balancing equipment.

(iii) Government are directing paper mills to produce additional quantities of writing and printing paper in the substance range of 52 to 56 gsm. In respect of all new licencees they are required to ensure at least 60% of the production is for cultural varieties.

(iv) Government have constituted an *ad-hoc* Committee to look into the supplies distribution etc. of the various varieties of paper with the cooperation of Joint Committee of Paper Industry and other various users.

Memorandum submitted by C.P.I.(M) and Trade Unions re: Attacks on C.P.I.(M) Supporters

*385. SHRI DINESH JOARDER : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have received any memorandum from a delegation of the CPI (M) and Trade Unions on the 21st October, 1971 submitted to the Chief Secretary, West Bengal Government about the attacks on the CPI (M) supporters;

(b) if so, the nature of the said memorandum; and

(c) the action taken by Government on the points raised in the memorandum?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). Facts are being ascertained from the State Government.

Study of Impact Man-Made Radio Noise on Human Health, Radio and T.V. Signals

*386. SHRI K. LAKKAPPA : Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the Wireless Planning and Coordination Wing of his Ministry considered the question of studying man-made radio noise and it impact on the general environment;

(b) whether it effects on the health of the human mind and various radio and T.V. Signals have also been studied; and

(c) the steps taken to suppress its interfering effects?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) to (c). The Wireless Planning and Coordination Wing of the Ministry of Communications is studying the effect of man-made radio noise on T.V. and radio reception. Measurements are being made to ascertain the extent of suppression possible under Indian conditions. The possibility of taking any legislative and other measures in this regard will be considered after the study is completed. No study has been made by this Ministry on the health aspect.

Kerala Chief Minister's Remarks on Resolution passed by Kerala I.A.S./I.C.S. Officer's Association re: the Suspension of Mr. Salam

*387. SHRI SHYAMNANDAN MISHRA : Will the PRIME MINISTER be pleased to state :

(a) whether Government's attention has been drawn to the remarks of the Chief Minister of Kerala on a Resolution passed by the Kerala I.A.S./I.C.S. Officers' Association regarding the suspension of Mr. Salam; and

(b) whether there has been any correspondence between the Government of India and the Government of Kerala on this subject?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : (a) The Government of Kerala have intimated that the I.A.S. Association has not passed a Resolution protesting against the suspension of Shri M. Abdussalam as such but the Association has passed a Resolution voicing its grave concern at the unfortunate tendency to denigrate in general, members of the All India Services. On this Resolution the Chief Minister stated that any Officer who acts against the Government's policies whether he belongs to an All India Service or a State Service will be punished.

(b) There has been no other correspondence on the subject between the Government of India and the Government of Kerala.

Autonomy of States

*388. SHRI P. K. DEO : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the attention of Government has been invited to a report in the Indian Express of the 3rd October, 1971 regarding suggestions made by some States for granting them more autonomy in their day-to-day administration;

(b) whether there was a suggestion in this regard for a round table discussion between the State Governments and the Centre; and

(c) the reaction of the Central Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). Government have seen the relevant news item in the Indian Express dated the 3rd October, 1971. Attention is invited to the answer given to Starred Question No. 375 today in this House.

Seizure of Files of N.D.M.C. by C.B.I.

*389. SHRI R. R. SINGH DEO : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Central Bureau of Investigation and the Vigilance Commission in a co-ordinated raid seized hundreds of files of the New Delhi Municipal Committee;

(b) if so, the reason for such a raid and seizure of files;

(c) whether Government's attention has been invited to a report in the Times of India of the 23rd July, 1971 in this regard; and

(d) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (d). Government have seen the Press Report. There was neither any raid nor any seizure of files. With a view, however, to conducting a

technical examination of certain projects undertaken by the N. D. M. C., the Chief Technical Examiner attached to the Central Vigilance Commission had collected the relevant reports from the office of the New Delhi Municipal Committee.

Shortage of Raw Materials in Engineering Industry

*390. SHRI INDRAJIT GUPTA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether there is still considerable idle capacity in several engineering units in the country due to shortage of raw materials, particularly steel; and

(b) if so, the steps taken to provide enough raw materials to the engineering industry to ensure full utilisation of its capacity ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDURY) : (a) There is a general shortage of certain industrial raw materials like steel including stainless steel. This shortage has resulted in under-utilisation of capacity in some engineering industries.

(b) With a view to ensure better utilisation of the capacity in the engineering industry, the supply position of raw material is reviewed periodically and necessary correctives are applied. During 1970-71 a total quantity of 5·5 lakh tonnes of steel was imported and import licences were issued for approximately Rs. 200 crores as against a total import of approximately 3 lakh tonnes of steel in 1969-70. As a result of clearances which are being given now and the bulk clearances in favour of Hindustan Steel Limited, it is expected that during the rest of the year and early next year; substantial quantities of steel will be imported into the country. Against Hindustan Steel clearances for bulk import of over 6 lakh tonnes, 2 lakh tonnes had arrived and another quantity of 3.90 lakh tonnes is on its way. MMTC has also placed orders for approximately 1 lakh tonnes which is under shipment. Further quantities totalling 2.60 lakh tonnes have been ordered and would arrive by the end of the financial year. As a result of liberal import there has been some salutary effect in the open market prices and the position is expected to improve as the imports materialise.

2. An Inter-Ministerial meeting was taken by Minister of Industrial Development on 2nd September, 1971 to review the position in regard to the availability of steel in the country. At this meeting it was decided to release in the first instance Rs. 5 crores in free foreign exchange to be allocated to actual users for small balancing requirements which need not be canalised. It was also decided at the meeting to examine quickly the possibilities of stepping up further imports of steel. Steel worth about Rs. 50 crores is expected to be imported between November 1971 and March-April, 1972. The system of reporting the availability of steel will also be streamlined so that exact indication about the stocks of steel material available in the country is known to the Government. The system of distribution particularly in so far as the small scale units are concerned, is being reviewed. As a long-term measure, it was decided that the Working Group set up by the Planning Commission would examine the requirements during the rest of the Plan period so that steel consumption could be planned with reference to the priorities

3. The import policy for industrial raw materials is also reviewed from time to time. The import policy of 1971-72 contains special provisions for import of items which are in world short-supply. The industries which are affected due to short supply of raw materials arising from the

world shortage are being permitted to apply for import of raw materials for over a period of six months at a time.

4. The import policy also provides for review of entitlements of Actual Users. Cases of Actual Users, when it is established that the operation of existing import policy has caused undue hardship and is likely to affect industrial production, are considered for import by the Sub-Committee under the CCI&E.

5. Steel materials produced by the main producers are being supplied to the export-oriented Engineering Industries on the basis of the priorities granted by the Steel-Priority Committee. A liberal import policy is being followed in respect of categories in short supply. A special import policy covering among other things, the requirements of export-oriented engineering industries, was announced in September, 1970, under Public Notice No.1 40--ITC(PN)/70, dated 11-9-70.

Inter-media mobility of Information Officers to Ministers

2330. SHRI S. C. SAMANTA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether Government will lay a list of officers on the Table who are working continuously for the last ten years at the Headquarters of Press Information Bureau mentioning designation, tenure and years; and

(b) the reasons behind the Central Information Service officers working as Information Officers to Ministers not being equally subjected like others to intermedia mobility ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA) : (a) The requisite information is given in the attached statement.

(b) Steps are being taken to effect intermedia transfers of Central Information Service Officers of various grades who have been working in the same organisation for a long time. The proposed transfers will include Information Officers working in the Press Information Bureau for more than 10 years.

Statement

S. No.	Name of Officer	Post at present held	Date from which posted in Press Information Bureau, New Delhi
1.	Shri T. A. Ramiah	Deputy Principal Information Officer	5-5-1960
2.	Shri R. N. Mahadevan	Information Officer	2.12.1954
3.	Shri V. Raghurama Ayyar	Information Officer	17-1-1957
4.	Shri Balbir Singh	Information Officer	5-12-1947
5.	Shri G. D. Chandan	Information Officer	29-5-1948
6.	Shri H. L. Kapoor	Information Officer	25-2-1955
7.	Shri B. M. Rathuri	Assistant Information Officer	22-5-1954
8.	Shri S. G. Lal	Assistant Information Officer	11-12-1957
9.	Smt. Indumati Sehgal	Assistant Information Officer	22-2-1956

External Service Programme of A.I.R.

2331. SHRI S. C. SAMANTA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Government have noticed an article on All India Radio External Service in the National Herald during October, 1971 pleading for greater control of External Affairs Ministry over the External Service Programmes ;

(b) the machineries for co-ordination between his Ministry and External Publicity Division and the Radio for external broadcasts in general and for specific Programme ; and

(c) how well these machineries are working ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : (a) Yes, Sir.

(b) The Director, External Publicity Division is a member of the Programme Advisory Committee for the External Services Division of All India Radio. In addition External Services Division of All India Radio maintains close contact with the External Publicity Division and also with other Divisions of the Ministry of External Affairs so that the broadcasts on its external services correctly reflect India's foreign policy. The External Publicity Division, through the Indian Missions abroad, provides the All India Radio with feedback on its External Services Programmes and also assists in the recruitment of foreign language staff needed by AIR.

(c) The arrangements for co-ordination have been working satisfactorily.

Setting up of Industries in Backward Areas of Chotanagpur and Palamau by big Business Houses

2332. KUMARI KAMALA KUMARI: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have given any instructions to the Tatas, Birlas, Sahu Jain and Dalmia for establishing large scale industries in the most backward area of Chotanagpur in general and Palamau in particular ;

(b) whether licences are being granted to large industrial houses for the exploitation of the mineral resources of that area and the people of Chotanagur are not getting employment ; and

(c) if so, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). Information is being collected and will be laid on the Table of the House.

Brain Drain

2333. SHRI CHANDRA SHEKHAR SINGH : Will the Minister of SCIENCE AND TECHNOLOGY be pleased to state :

(a) whether his attention has been drawn to an article on "Brain Drain in India" in the *Statesman* of the 10th November, 1971 and a news report in the *Indian Express* of the 13th November, 1971 on the grand strategy to lure "Brains" back and, if so, whether our Science Policy is faulty to the extent as pointed out in these press reports ;

(b) what steps have been taken by Government to lure back such Indian personnel from abroad; and

(c) the steps being taken to correct the drawbacks of our Science Policy ?

THE MINISTER OF PLANNING AND MINISTER OF DEPARTMENT OF SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): (a) Government have seen the articles. The Science Policy Resolution of the Government of India (1958) had been examined for the third time in November, 1970 at a Conference of Scientists, Technologists and Educationists, organized by the Committee on Science and Technology (COST). The Conference did not find it necessary to suggest any amendment.

(b) Some of the measures taken to facilitate the return of Scientists and Technical Personnel to India from abroad are given in the Statement attached. These efforts will be continued.

(c) Does not arise in view of the answer given at (a) above.

STATEMENT

The following steps have been taken to facilitate return of scientific and technical personnel to India :

(i) Creation of a Scientists' Pool to provide for temporary placement of well qualified Indian scientists and technologists returning from abroad.

(ii) Creation of supernumerary posts in approved scientific institutions to which temporary appointments can be made quickly from among the scientists working and studying abroad.

(iii) The Union Public Service Commission and most of the State Public Service Commissions have agreed to treast Indian scientists and technologists whose particulars appear in National Register as 'Personal Contact' candidates for all posts advertised by them. The Union Public Service Commission have also made arrangements for interviewing Indian Scientists and technologists abroad for posts in India.

(iv) Maintenance of a Special Section of the National Register of Scientific and Technical Personnel for enrolment of Indian scientists and technologists abroad and for the circulation of their names to all Ministries, Departments of the Government of India, State Governments, Union and State Public Service Commissions, Universities, Public Sector Industries and large private sector establishments. The names of such personnel are published in the monthly Technical Manpower Bulletin (CSIR) which is distributed free to about 3000 organisations all over India.

(v) Provision for payment of travel grant to scientists, who, on their selection for appointment in research institutions in India, undertake to serve those institutions for a minimum period of three years.

Joint Consultative Machinery

2334. SHRI CHANDRA SEKHAR SINGH : Will the PRIME MINISTER be pleased to state :

(a) whether the proposed legislation to make the Joint Consultative Machinery a statutory body has since been drafted ;

(b) if so, when it is likely to be introduced ; and

(c) if the replies to parts (a) and (b) above be in the negative, the reasons for the delay ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) to (c). Consultations are being held with the representatives of the Staff Side of the National Council, set up under the

Machinery for Joint Consultation and Compulsory Arbitration, on the proposals for making the Joint Consultative Machinery a statutory body. Further action in this regard will be taken after giving due consideration to the views of the Side in this matter as soon as these consultations are over.

Lack of Coordination Between U.P.S.C. and C.S.I.R. in Exchanging Information about Scientists Registered in National Register of C.S.I.R.

2335. SHRI CHANDRA SHEKHAR SINGH : Will the PRIME MINISTER be pleased to state :

(a) whether the U. P. S. C. application forms, for the purpose of recruitment to Government posts, do not provide for a Scientists-candidate to indicate if he has registered himself on the National Register of the C. S. I. R.,

(b) whether as a result thereof the U. P. S. C. and the National Register Cell of the C. S. I. R. do not co-ordinate among themselves to exchange information available with them about the Scientist, either with a view to registering him in the National Register, if he is not registered, or to help him in providing a job befitting his qualifications, if already he is registered ; and

(c) if so, what steps Government are taking to effect such coordination ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) to (c). The procedure followed is as follows :

(i) The Union Public Service Commission send to the C S. I. R. copies of their advertisements, blank application froms and also copies of the statement of 'Information for candidates'.

(ii) The C. S. I. R. send the application forms and relevant statement of 'Information for Candidates' to candidates on the National Register who possess qualifications, experience etc proscribed for the different posts, requesting them to apply directly to the Union Public Service Commission by the prescribed date. Simultaneously a list of such candidates to whom application forms are sent by the C. S. I. R, together with the registeration Nos. is sent to the Commission.

(iii) Immediately after the interviews relating to the recruitment are over, the C. S. I. R. is advised by the Cammission of the Officers who were called for interview and who failed to appear for the interview.

(iv) Whenever a candidate registered with the National Register of the C.S.I.R. is selected for appointment to a post by the Commission, the Department to which he is being recommended is advised to endorse a copy of the offer of appointment made to the candidate to the C.S.I.R. for their information.

2. In the light of the procedure set out above, it has not been considered necessary to make any specific provision in the application forms, prescribed by the Commission, for indication by a candidate whether he has registered himself in the National Register of the C. S. I. R. It is however added that though there is no special space or provision as such for indicating whether a Scientist candidate is registered on the National Register of the C. S. I. R. such a candidate can mention the fact of his registration with the C. S. I. R. anywhere in his application or against the column entitled 'Additional Remarks'. The procedure indicated above has been found to be satisfactory.

Demand for Upward Revision of Prices of Paper

2336. SHRI CHANDRA SHEKHAR SINGH : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the paper industry has again demanded an upward revision of the prices of paper and there is complete stagnation and near paper famine in the country as a result thereof;

(b) if so, the action taken by Government to stave off the industry's attempt at creating an artificial paper famine as a retaliation measure against Government's refusal to accede to their demand for a price rise; and

(c) how and by what time this paper shortage would be removed ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) No, Sir. Some paper mills in West Bengal owing to the special circumstances prevailing there have, however, represented their case for an increase. There is some shortage of paper in the country which is not on account of the above mentioned demand for rise in paper prices but due to the gap between the overall production and the demand for paper in the country.

(b) Government have set up an Ad-hoc Committee on the Paper Industry which keeps constant watch and takes appropriate action on the production and prices of paper and also sees to the equitable distribution of paper amongst the various consumer sectors.

(c) All out efforts are being made to increase paper production through a "Crash Programme" and also by liberal licensing for creation of additional capacity in the existing mills as well as establishment of new paper mills in the private and in the public sectors. A Public Sector Corporation has been set up with this end in view. It is expected that the supply position of paper will gradually improve due to these measures.

Death of a Mechanic at high powered Transmitter site at Khampur, Delhi

2337. SHRI JAGDISH CHANDRA DIXIT : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether any Committee has been set up by Government to probe into the sudden death of a Mechanic at the high powered transmitter site at Khampur, Delhi due to alleged negligence of some Engineers;

(b) if so, its constitution and terms of reference: and

(c) the time by which it is likely to submit its report to Government ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) (a): Yes, Sir.

(b) and (c). A copy of the Government's Resolution containing the composition of the Committee, its terms of reference and the time likely to be taken by it in submitting its report is laid on the Table of the House. [*Placed in Library. See No.* LT—1191/71]

Commissioning of New T. V. Tower in New Delhi

2338. SHRI JAGDISH CHANDRA DIXIT : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there are persistent complaints from Television viewers that ever

since the switching on of the new Television Tower in Delhi, the pictures are not that clear and shadows and lines are being formed in Television pictures as also failures of telecasting is taking place very often;

(b) whether our Engineers are not able to remove these defects in telecasting;

(c) if so, whether any help from the German suppliers of the transmitter has been sought by Government ; and

(d) if not, the reasons therefor and other steps contemplated to rectify the defects?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : (a) There were complaints of unsatisfactory reception in the initial stages from certain parts of the city. There was no defect in transmission but some adjustment of TV sets were found to be necessary. Owners of TV sets were advised to take steps accordingly. There are no complaints at present.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

Increase in Age Limit for I.A.S. and Allied Examinations

*2339. SHRI RAMACHANDRAN KADANNAPPALLI : Will the PRIME MINISTER be pleased to state:

(a) whether the Union Public Service Commission and the Administrative Reforms Commission have recommended to increase the age limit for I. A. S. and allied examinations;

(b) if so, what are their recommendations; and

(c) what Government propose to do in this matter ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) to (c). The Administrative Reforms Commission in its Report on Personnel Administration has recommended that the upper age limit for entrance to the competitive examinations may be raised to 26. This recommendation relates to the IAS etc. examinations conducted by Union Public Service Commission and is under consideration of the Government.

The Union Public Service Commission has not made any recommendation in this regard.

Crushing of Cotton Seed

2341. SHRI DHARAMRAO AFZALPURKAR : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the State-wise quantity of cotton seed crushed for extraction of cotton-seed oil; and

(b) the steps proposed to be taken by Government to increase the quantity of cotton-seed crushing ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) :

	State	*Quantity of cottonseed crushed during 1970 by the Units borne on the list of DGTD (lakhs of tonnes)*
1.	Andhra Pradesh	0.14
2.	Gujarat	0.73
3.	Haryana	0.14
4.	Madhya Pradesh	0.24
5.	Maharashtra	1.76
6.	Mysore	0.47
7.	Tamil Nadu	0.04
	Total :	3.52

(b) The Government has provided fiscal incentives in the form of rebate in excise duty for use of cotton seed oil in the manufacture of vanaspati. The refined cottonseed oil is exempted from excise duty. Moreover, the fabrication of machinery for extraction of cottonseed oil by expeller process and by solvent extraction process has been arranged indigenously.

चांदपुर नगरपालिका में एक पाकिस्तानी नागरिक का चुना जाना

2342. **श्री हुकम चन्द कछवाय** : क्या गृह मंत्री यह बताने की कृपा करेंगे :

(क) क्या सरकार ने इस बात की जांच कराई है कि उत्तर प्रदेश के बिजनौर जिले में चांदपुर नगरपालिका में श्री अमीरुद्दीन नाम का एक व्यक्ति चुना गया है जो कि पाकिस्तानी नागरिक हैं; और

(ख) यदि हां, तो इस सम्बन्ध में सरकार की क्या प्रतिक्रिया है, भविष्य में क्या कार्यवाही करने का विचार है और राज्य सरकार को क्या आवश्यक निर्देश दिये गये हैं ?

गृह मंत्रालय में राज्य मंत्री (श्री कृष्ण चन्द्र पन्त) : (क) यह सच है कि श्री अमीरुद्दीन, जिसके बारे में भारत सरकार ने पहले यह निश्चय किया था कि वह अपनी स्वेच्छा से पाकिस्तान की नागरिकता प्राप्त व्यक्ति हैं, उत्तर प्रदेश में चांदपुर म्युनिसिपल बोर्ड के सदस्य चुने गये हैं। श्री अमीरुद्दीन न्यायालयों में जाकर केन्द्रीय सरकार के निर्णय का प्रतिरोध करते रहे हैं तथा निषेधाज्ञा प्राप्त करते रहे हैं। इस समय उनकी अपील उच्चतम न्यायालय में अनिर्णीत पड़ी है और उच्चतम न्यायालय ने भी अपील पर निर्णय लिये जाने तक सरकारी आदेशों के कार्यान्वयन को स्थगित रखने के आदेश दिये हैं। श्री अमीरुद्दीन अपने को भारतीय नागरिक होने का दावा करते हैं।

(ख) 21 अगस्त, 1971 को निर्वाचक पंजीकरण अधिकारी द्वारा श्री अमीरुद्दीन को एक नोटिस जारी किया गया था कि मतदाता-सूची से उनका नाम क्यों न निकाल दिया जाय। श्री अमीरुद्दीन ने इस नोटिस का उत्तर दे दिया है, जो निर्वाचन-प्राधिकारियों के विचाराधीन है।

Supply of Essential Commodities on subsidised Rates to fixed Income Groups

2343. SHRI P. VENKATASUBBAIAH : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the desirability of subsidising the purchase of essential commodities to give some relief to the fixed income groups has been considered; and

(b) if so, with what results and the steps proposed to be taken in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) and (b). The structure of emoluments of Central Government employees is part of the terms of reference of the Third Pay Commission whose final report is awaited.

Complaints regarding unauthorised use of Building Funds by the Press Trust of India

2344. SHRI AMARNATH VIDYALANKAR :
SHRI K. LAKKAPPA :

Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Government have received complaints regarding certain unauthorised use of building funds loaned by Government to the Press Trust of Ihdia;

(b) whether Government have held any inquiry into these complaints and, if so, the results thereof; and

(c) the further action proposed to be taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINGH) : (a) Yes, Sir.

(b) and (c). Department of Company Affairs who undertook an inspection of Press Trust of India have received the Inspection Report under Section 209(4) of the Companies Act. The Report is under their consideration.

Communal Tension at Sevalapurai (T. N.)

2345. SHRI BAKSI NAYAK :
SHRI M. K. KRISHNAN :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the attention of the Central Government has been drawn to a report in the *Patriot* dated the 13th September, 1971 stating that Sevalapurai, in Arcot District in Tamil Nadu is in the grip of communal tension between the caste Hindus and Harijans;

(b) whether the Central Government have received any report in this regard through the State Government; and

(c) if so, the findings thereof; and

(d) the action, if any, being taken to protect the lives and properties of the Harijans?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : (a) Yes, Sir.

(b) to (d). State Government have been requested to send a report, which is awaited.

Central Government Ministers owning Houses and Plots in Delhi

2346. SHRI BIRENDER SINGH RAO: Will the PRIME MINISTER be pleased to state :

(a) tha names and number of the Central Government Ministers who own houses and plots in Delhi in their own name or in the names of their family nembers relatives;

(b) the number of plots buildings held by them in each case individually; and

(c) the estimated cost of lands and buildings held by them or in the names of their family members relatives?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : (a) to (e). A Statement containing the required information is laid on the Table of the House. [*Placed in Library. See* No. LT-1192/71]

Judgement for Acquittal of a Cabaret Dancer

2347. SHRI K. BALATHANDAYUTHAM : Will an Minister of HOME AFFAIRS be pleased to state :

(a) whether the article appearing in the Blitz dated the 11th September, 1971 under the title 'Obscene ? Yes, Annoying

No" regarding the judgement acquitting a cabaret dancer, has been brought to the notice of Government: and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) Yes, Sir.

(b) The judgement is being examined by the Government of Maharashtra.

Sinking of Lakkar Bazar in Simla

2348. SHRI G. Y. KRISHNAN : Will the Minister of PLANNING be pleased to state :

(a) whether Government are aware that Simla is sagging gradually;

(b) whether the Ridge and some parts of the Lakkar Bazar have sunk by more than two feet; and

(c) if so, the remedial steps taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): (a) and (b). At the request of Himachal Pradesh Government, a team of two experts visited Simla from 31.8.1971 to 2.9.1971 regarding slides and subsidences due to heavy and incessant rains. The term concluded that the basic rock structure of Simla Hills is not involved and the movement is confined to the over-burden on the northern slopes of the Ridge of Simla in the affected portions.

(c) The expert team in its report has recommended certain exploratory programmes so that a suitable scientific and engineering solution to the problem could be devised. The team has also recommended the setting up of a hill-side safety committee to keep a continous watch, to ensure implementation of safety measures that may be evolved and to regulate development in the Simla urban areas. These recommendations are under the consideration of the Himachal Pradesh Government.

Survey for Setting up of Medium Scale Industries in Ceylon

2349. SHRI R. R. SINGH DEO : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government are planning to undertake survey for examining the feasibility of building up medium scale industries in Ceylon;

(b) if so, the terms and conditions thereof; and

(c) how for it will benefit India?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). During the course of bilateral talks between India and Ceylon held in September, 1971 the following five fields of industries were identified for investigation and follow-up action with a view to promote industrial collaboration between the two countries :—

(i) Graphite based industry.

(ii) Glass (glass sheet and opthalmic glass) to be based on silica sand available in large quantities in Ceylon.

(iii) Refractories.

(iv) Rubber goods, including tyres and tubes.

(v) Spares electrical and auto spares for buses and chasis.

India has offered the services of consultants from the National Industrial Development Corporation to jointly undertake feasibility studies in regard to the above industries.

Cooperation in the industrial field is expected to strengthen economic relations between the two countries and increase the volume of trade between them.

Memorandum to the President by M. Ps. and M. L.As. Levelling Charges Against Chief Minister and Ministers of Haryana

2350. SHRI MUKHTIAR SINGH MALIK :

SHRI BIRENDER SINGH RAO :

SHRI MUHAMMED SHERIFF:

Will the PRIME MINISTER be pleased to state :

(a) whether some Members of Parliament and M. L.As. from the State of Haryana have recently submitted a Memorandum to the President of India in which they have levelled some allegations against the Chief Minister and other Ministers of Haryana;

(b) if so, the nature of allegations made;

(c) whether any inquiry has been ordered by Government; and

(d) if not, the action taken or proposed to be taken in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) to (d). A memorandum signed by Shri B. D. Sharma, M. P., and some M. L. As. of Haryana and others, was presented by Shri Bhagwat Dayal Sharma on the 27th October, 1971. The memorandum *inter alia* contains certain allegations of misconduct, abuse of power, irregularities, etc. against Shri Bansi Lal, Chief Minister of Haryana and others, and is under examination.

Embezzlement in Delhi Municipal Corporation

2351. SHRI B. K. DASCHOWDHURY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any enquiry was held in the matter of embezzlement by the Delhi Municipal Corporation staff; and

(b) if so, the outcome thereof and the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) and (b). During the course of audit of the accounts of Veterinary (Cattle Pounds) and Property Tax Departments, two cases of embezzlement came to notice. Investigations revealed a suspected mis-appropriation of Rs. 46,913 and Rs. 27,000 respectively. The matter has been handed over to the Special Police Establishment for investigation.

Setting up of Joint Sector Industrial Projects in Punjab

2352. SHRI M. KALYANASUNDARAM: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether the Punjab Government have sought Centre's approval for its proposal to set up joint sector industrial projects in the State in collaboration with the Tatas and the Delhi Cloth Mills; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) Yes, Sir. The Punjab State Industrial Development Corporation has sought Central Government's approval for associating M/s Delhi Cloth Mills Ltd., and M/s Tata Oil Mills Ltd., in the implementation of certain projects for which it has been granted Letters of Intent.

(b) The matter is under consideration of Government.

Suggestions by Expert Committee on Unemployment Re. Changes in Statistical Methods for Assessment of Unemployed

2353. SHRI N. K. SANGHI: Will the Minister of PLANNING be pleased to state:

(a) whether the Chairman of the Expert Committee on Unemployment has suggested certain changes in the statistical methods for assessment of the unemployed;

(b) if so, the drawbacks in the existing method being used by Government for assessment of the unemployed in the country;

(c) whether Government have considered those recommendations and the precise changes that the Government propose to introduce to make the assessment of the unemployed more realistic; and

(d) the extent of the unemployed and the rate of absorption during the three years of the Fourth Plan according to Government's present assessment?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): (a) to (d). The Committee of Exports on Unemployment Estimates set up by the Planning Commission to advise on the methodological aspects regarding estimation of unemployment and employment generation, has suggested that (1) the concepts of labour force and of measurement of unemployment and under-employment in terms of man-years as adopted in developed economies are unsuitable for an economy like ours with its preponderance of self-employment and production within house-hold enterprises; (2) estimates of unemployment and under-employment presented in one dimensional magnitude are neither meaningful nor useful as indicators of the economic situation; (3) studies should be undertaken to obtain data on different segments of the labour force, taking into account important distinguishing characteristics such as region, rural-urban residence, status of workers, educational attainment, age, sex, etc., and (4) various improvements should be made in the collection and presentation of data by agencies such as the Census, National Sample Survey and Employment Exchanges. The suggestions made by the Committee were examined in consultation with the various agencies engaged in work relating to employment and manpower. Some of the Suggestions have already been implemented by the data collecting agencies. A comprehensive labour force survey is proposed to be undertaken by the National Sample Survey in 1972-73. Selected studies are proposed to be undertaken in the field of employment in pursuance of the Committee's recommendations.

In view of the above it, has not been possible to work out any reliable estimate of the unemployed or estimates of employment opportunities which have been generated in the three years of the fourth Plan.

It may, however, be pointed out that the Planning Commission is fully aware of the seriousness of the unemployment situation in the country and has kept this aspect in view while formulating development programmes in the various sectors

of the Fourth Plan which have been oriented to generating increased employment opportunities. Keeping in view the special needs of the weaker sections and areas where this problem is most acute, certain special programmes have been drawn up and are being implemented since the year 1970-71. The special programmes thus formulated include Small Farmers Development agencies (Rs. 67.5 crores), Agencies for Marginal Farmers and Agricultural Lobourers (Rs. 47.5 crores), Rural Works Programme (Rs. 100 crores), Dry Farming Programmes (Rs. 20 crores) and Area Development Schemes (Rs. 15 crores). In addition, the Crash Scheme for Rural Employment, which has been taken up during the current year, is expected to provide employment for 1000 persons on an average in each District. A provision of Rs. 50 crores has been made for 1971-72 for this programme. A provision of Rs. 25 crores has also been made in the Central Budget for 1971-72 for schemes specially by designed to suit the educated unemployed, including engineers and technicians. The main programmes approved relate to employment of teachers in the primary schools, rural engineering surveys, setting up of agro service centres, extending assistance to entrepreneurs for setting up small scale industries, investigation of road works to be undertaken in the Fifth Plan, building up of design units for rurall water supply and providing assistance to entrepreneurs for setting up of petrol dealerships. These programmes are expected to provide employment to a large number of teachers, engineers, diploma holders, draftsmen, graduates and matriculates besides semi-skilled and un-skilled workers.

Profit Earned by B.H.E.L.

2354. SHRI NAWAL KISHORE SHARMA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Bharat Heavy Electricals Limited has earned some profit for the first time in the history;

(b) if so, whether this profit is earned by all the three units;

(c) if not, the reasons for losses in other units; and

(d) the steps Government propose to take to avoid losses in these units ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) Yes, Sir, in the year 1970-71.

(b) No, Sir.

(c) The Units started production from different dates and manufacture products which have different periods of gestation.

(d) One Unit has earned profits and a second unit is expected to earn profit in 1971-72. Order book position has been improved by special efforts and skills are being built up so that the third plant also breaks even by 1975-76.

विदेशों के सहयोग से उत्तर प्रदेश में उद्योगों की स्थापना

2355. श्री महावीरक सिंह काव्य : क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कुछ विकसित देश भारत में बड़े उद्योग स्थापित कर रहे हैं;

(ख) यदि हां, तो उन राज्यों के नाम क्या हैं जहां सर्वप्रथम ये उद्योग स्थापित किये जाने की सम्भावना है और क्या उत्तर प्रदेश में कोई उद्योग स्थापित किया जायेगा, और

(ग) तत्संबंधी मुख्य बातें क्या हैं ?

औद्योगिक विकास मंत्रालय में राज्य-मंत्री (श्री घनश्याम ओझा): (क) से (घ). सरकार को भारत में उद्योगों की स्थापना करने हेतु विदेशी उद्योगपतियों के साथ सहयोग करने के लिए समय-समय पर भारतीय पार्टियों से प्रस्ताव प्राप्त हो रहे हैं। इसके अलावा, औद्योगिक दृष्टि से विकसित देशों की कुछ पार्टियों ने निर्यातोन्मुख और श्रम-प्रधान उद्योगों की स्थापना करने के लिए भारत में अपने औद्योगिक संयंत्र स्थानान्तरित करने में रुचि दिखाई है।

जारी किये गये औद्योगिक लाइसेंसों और आशय पत्रों के ब्यौरे, जिनमें अन्य बातों के साथ-साथ कारखानों के स्थापना-स्थल के बारे में जानकारी होती है और स्वीकृत किये गये विदेशी सहयोग की त्रैमासिक सूची भी होती हैं, जरनल आफ इण्डस्ट्री एण्ड ट्रेड में प्रकाशित किये जाते हैं, जिसकी प्रतियां संसद के पुस्तकालय में उपलब्ध हैं।

H. M.T. Ajmer

2356. SHRI HAMENDRA SINGH BANERA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the progress of the unit of the Hindustan Machine Tools Ltd., at Ajmer; and

(b) the procedure of recruitment in the said Unit?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) There is no unit of the Hindustan Machine Tools Ltd., at Ajmer. There is however, one unit, namely, Machine Tool Corporation of India Ltd., at Ajmer. It is presumed that the question of Hon'ble Member relates to that unit.

Production in the unit concerned in April'70 and value of production during 1970-71 has been of the order of 28.71 lakhs.

(b) Recruitment to all posts upto Rs. 500/-, is made through the local Employment Exchange. Only after a certificate of non-availability is received from the Employment Exchange, recruitment to these posts is made through advertisement.

For posts carrying salary exceeding Rs. 500/-, recruitment is made from the open market by advertisement through selected national newspapers. An officer of the State Government is represented on all Selection Committees.

Capacity of Heavy Electricals (India) Ltd., Bhopal

2357. SHRI G. C. DIXIT : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state the total capacity of the Heavy Electricals (India) Limited, Bhopal at present?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): The production capacity of HE(I) Ltd., Bhopal during 1971-72 is Rs. 42 crores gross, taking into account the facilities established and the skills developed.

Police Firing in Manusgunge Camp in Jalpaiguri District (West Bengal)

2358. SHRI RATTANLAL BRAHMAN : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware that three Bangla Desh evacuees were killed by

the Police firing in Mamuagunge Camp in Jalpaiguri District (West Bengal) on the 3rd September, 1971; and

(b) if so, the reasons for the said firing?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F.H. MOHSIN): (a) and (b). Facts are being ascertained from the State Government.

Bengal Bundh

2359. SHRI JAGANNATH MISHRA: Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether West Bengal witnessed a Bundh on the 27th August, 1971 ;

(b) whether any efforts were made to avert it ;

(c) if so, outcome thereof ;

(d) the approximate loss sustained due to Bundh ; and

(e) the steps Government contemplate to check a Bundh of the type ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). A Bengal bundh was observed on August 27, 1971. The bundh was supported by six trade union bodies namely the CITU(CPM), UTUC (both RSP and SUC), AITUC, TUCC (FBM) and the HMP. Appeals made to the leaders of these trade union bodies to desist from the bandh call in view of the prevailing situation did not meet with success.

(d) No assessment of the monetary value of the loss sustained on account of the bandh has been made.

(e) Government hold that such bandhs are harmful to the nation and the State. All possible efforts are, therefore, made to enable the people to pursue their normal avocations on such occasions.

Arrest of Foreigners on Charges of Theft and other Crimes in the Country

2360. SHRI SATPAL KAPUR : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the total number of foreigners arrested in the country during the last one year on charges of theft and other crimes; and

(b) the specific steps Government propose to take against them ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) According to the information available, 366 foreigners were arrested during the year 1970 for various offences.

(b) Suitable action has been taken against them under the appropriate law.

Applications from Industrial Hoases for Expansion Programmes

2361. SHRI KRISHNA CHANDRA HALDER: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the total number of applications received from the Industrial House during the last three years for the expansion of their existing capacities ;

(b) the names of the respective concerns ; and

(c) the total number of applications cleared so far ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVLOPMENT (SHRI GHANSHYAM OZA): (a). It is presumed that the question refers to the Larger Industrial Houses as identified by the ILPIC Report. Separate information regarding these Houses has been kept only from after the announcement of the new Licensing Policy on 18-2-70. 130 applications for expansion of capacities have been received from these Houses from 19-2-70 to 31-10-71.

(b) Details of applications on which decisions are yet to be taken are not normally publicised.

(c) One licence and 9 letters of intent have been issued so far to the Larger Industrial Houses. 22 applications have been rejected while 5 applications have been withdrawn, cancelled or otherwise disposed of. 93 applications are still under consideration.

Colgate Palmolive (India) Private Ltd.

2362. SHRI SHASHI BHUSHAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government had received certain complaints in the past that the tooth paste tubes were being underfilled by the Colgate Palmolive (India) Private Ltd ;

(b) whether Government are also aware that they do not manufacture tooth brush but get manufactured from others at very cheap rate and sell it at a high rate after putting their mark on it ; and

(c) if so, the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). Complaints to this effect have been made to Government. They are being enquired into.

असाम के करीमगंज में पाकिस्तानी तोड़फोड़ करने वालों द्वारा बाधा डालना

2363. श्री महादीपक सिंह शाक्य :
श्रीमती ज्योत्सना चन्दा :

क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दिनांक 23 अक्तूबर, 1671 के दैनिक वीर अर्जुन में प्रकाशित समाचार के अनुसार असाम के कछार जिले के करीमगंज सब डिवीजन में रेल यातायात में बाधा डालने के पाकिस्तानी तोड़-फोड़ करने वालों के सुनियोजित प्रयास किये गये थे ;

(ख) क्या पाकिस्तानी घुसपैठियों ने उक्त क्षेत्र में अपने अड्डे बना लिये हैं और इन गांवों के निवासी भारत के विरुद्ध इनकी विभिन्न प्रकार से मदद करते हैं ;

(ग) क्या इस क्षेत्र का एक विधायक पाकिस्तानी घुसपैठियों से मिला हुआ ; और

(घ) यदि हां, तो सरकार ने उन ग्रामीणों एंव विधायक के विरुद्ध क्या कार्यवाही की है और यदि नहीं, तो इसके क्या कारण हैं ?

गृह मंत्रालय में उप-मंत्री (श्री एच०एफ० मोहसिन): (क) सरकार ने समाचार देखा है।

(ख) 17 नवम्बर, 1971 के लोक सभा अतारांकित प्रश्न संख्या 573 के

उत्तर की ओर ध्यान आकर्षित किया जाता है।

(ग) और (घ). मामला सरकार के विचाराधीन है।

Manufacture of Chemicals in Small Scale Sector

2364. SHRI MUHAMMED SHERIFF: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether Government have asked the small scale sector to manufacture chemicals in the country in future; and

(b) if so, the progress achieved so far?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD): (a) and (b). Wherever manufacture of chemicals in the small scale sector is feasible and desirable, every encouragement is given. A large number of small scale units have come up in the country and are engaged in the manufacture of various organic and inorganic chemicals and other products. According to the All India Survey of Industries, 1968, the number of small scale chemical units registered under the Factories Act and their value of production are as follows:

Industry	No. of factories	Value of Production (Rs. in lakhs)
1. Rubber products	394	2529.56
2. Plastics & Plastic produc t	218	1861.64
3. Fartilizers & Heavy Chemicals	235	2845.98
4. Dyestuffs	73	900.72
5. Vegetable oils, including solvent extracted oils	76	1210.24
6. Paints, Varnishes and Lacquers	119	1476.05
7. Insecticides, Fungicides and Weedicides	41	700.95
8. Drugs & Pharmaceuticals	434	4135.36
9. Soaps & glycerine	73	756.11
10. Perfumes, cosmetics and other toilet preparations	89	1009.38
11. Other Chemical products	553	2782.89

Loans outstanding against Delhi Municipal Corporation

2365. SHRI H. K. L. BHAGAT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total amount of loan due to be paid to the Central Governmen t by the General Wings of the Municipal Corporation of Delhi, Delhi Transport Undertaking, Delhi Electric Supply and Sewage Disposal Undertakings, separately, as on the 31st March, 1971; and

(b) the total amount of loan not paid by any of these Wings so far which was due to be paid by March, 1971?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) and (b). A statement containing the required information is attached.

STATEMENT

Question	Municipal Corporation of Delhi.	Delhi Electric Supply Undertaking.	Delhi Water and Sewage Disposal Supply Undertaking	Delhi Road Transport Corporation
	(Rs. in lakhs)	(Rs. in lakhs)	(Rs. in lakhs)	(Rs. in lakhs)
(a) The total amount of loan to be paid to the Central Government as on 31-3-71.	447.02	6588	3165	1379.90
(b) The totat amount of loan not paid so far which was due to be paid by March, 1971.	163.84	--	484	822.40

Arrest of Custodian and Manager of the United Commercial Bank, Calcutta

2366. SHRI C. K. CHANDRAPPAN: Will the PRIME MINISTER be pleased to state:

(a) whether the Custodian of the United Commercial Bank and the Regional Manager of Calcutta of the same bank have been recently arrested; and

(b) if so, what are the charges against these two officials of the Bank and the action taken by Government in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) and (b). Yes, Sir. The Custodian and the Regional Manager were arrested in August, 1971 during enquiries regarding alleged violations of sections 4(2) and 22 of the Foreign Exchange Regulation Act, 1947. They were released on bail by the Chief Presidency Magistrate, Calcutta.

The matter is under investigation. The Custodian has been relieved of his charge as Custodian from 1st September, 1971. The Regional Manager of the Bank at Calcutta has been placed under interim suspension from the date of his arrest.

Corruption charges against Area Organiser, Director-General Security Kangra Area

2367. SHRI VIKRAM MAHAJAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether corruption cases had been registered by the Central Bureau of

Investigation in March, 1970 against the Area Organiser, Director-General Security Kangra Area; and

(b) the result of the enquiry and the action taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) Yes, Sir. A case was registered by the Central Bureau of Investigation on 6-4-1970 against Shri V. V. Mongia, Area Organiser, Dharamsala.

(b) Report of the Central Bureau of Investigation revealed that a false travelling allowance claim was made and obtained by Shri Mongia. Departmental proceedings are being instituted against him.

Sarkar Committee Report on C.S.I.R.

2368. SHRI JYOTIRMOY BOSU :
SHRI R. V. BADE :
SHRI B. R. SHUKLA :

Will the Minister of SCIENCE AND TECHNOLOGY be pleased to state :

(a) whether the Sarkar Committee of Inquiry on the Council of Scientific and Industrial Research has submitted its second part of the Report;

(b) if so, the main suggestions made therein; and

(c) the reaction of Government thereto?

THE MINISTER OF PLANNING AND MINISTER OF DEPARTMENT OF SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM) (a) Yes, Sir, on 16th August, 1971.

(b) The Part-II of the Report of the Sarkar Committee was laid on the Table of the Lok Sabha on 24-11-71. A copy of Report is available in the Library of Parliament.

(c) The recommendations of the Sarkar Committee were consideredby the Directors of the National Laboratories and Research Associations at a Conference held on 24th and 25th October, 1971 at Poona and they have expressed their views. The recommendations of the Sarkar Committee are being considered in the light of these views.

Sarkar Committee Report on C.S.I.R.

2369. SHRI BISHWANATH JHUNJHUNWALA :
SHRI INDRAJIT GUPTA :

Will the Minister of SCIENCE AND TECHNOLOGY be pleased to state :

(a) whether the Sarkar Commitee in Part-I of their Report has suggested sweeping charges in the set-up of the Council of Scientific and Industrial Research;

(b) whether the recommendations of the Sarkar Committee have been considered by Government; and

(c) if so, the recommendations which have been accepted for implementation?

THE MINISTER OF PLANNING AND MINISTER OF DEPARTMENT OF SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM) : (a) The Sarkar Committee in Part-II and not in Part-I of their Report have recommended the following major changes in the set-up of the C.S.I.R.:

(i) The objective and major activities of the CSIR should consist of research projects of national

priority, sponsored research, adaptation of imported technologies and development of newer technologies in keeping with the national objective of self-reliance.

(ii) The research programmes of the CSIR should be evolved in consultation with the National Committee on Science and Technology.

(iii) The Board of Scientific and Industrial Research (BSIR) should be abolished and the Directors' Conference should be placed on a formal basis.

(iv) The Prime Minister and the Minister incharge of the portfolio under which the CSIR is included should disassociate themselves from the office of the President and Vice-President of Governing Body and should retain connection as Chairman and Vice-Chairman of the Society. The Director General should be ex-officio Chairman of the Governing Body with four Directors and experts to be nominated by the Government the objective being the internalisation of the management of the CSIR. The same pattern will be followed in the National Laboratories where the Director will be Chairman and 3 to 4 Project Leaders and 2-3 experts members of the Executive Committees.

(v) The Governing Body of the CSIR should be supported by a strong technical Secretariat at the Headquarters.

(vi) The Laboratories should be grouped into the categories to ensure maximum interaction and coordination between their research programmes and activities. Each Group should be constituted into a Coordination Council concerned with common area of activity.

Part-II of the Report of the Sarkar Committee was laid on the Table of Lok Sabha on 24.11.71. A copy of the Report is available in the Library of Parliament.

(b) and (c). The recommendations of the Sarkar Committee were considered by the Director of the National Laboratories and Research Associations at a Conference held on 24th and 25th October, 1971 at Poona and they have expressed their views. The recommendations of the Sarkar Committee are being considered in the light of these views.

Shortage of Truck and Bus Tyres and Tubes in West Bengal

2370. SHRI SAMAR GUHA: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether the West Bengal Transport system is facing a crisis due to scarcity of tyres and tubes;

(b) whether about 50 per cent trucks and buses, particularly in the rural areas have been compulsorily garaged for want of tyres and tubes; and

(c) whether black-marketing of tyres and tubes is creating trouble?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). Information has been called for from the Government of West Bengal and will, on receipt, be laid on the Table of the House.

Quota of Scheduled Castes and Scheduled Tribes in Government Services

2371. DR. RANEN SEN: Will the PRIME MINISTER be pleased to state:

(a) whether the quota reserved for the Scheduled Castes and Scheduled Tribes in Government services is not filled up fully:

(b) if so, the reasons therefor; and

(c) the steps, if any, taken to improve the intake of the Scheduled Castes and Scheduled Tribes into Government services?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) and (b). From 1964 onwards, the full quota of vacancies reserved for Scheduled Castes and Scheduled Tribes are being filled with the candidates of these communities in IAS and IPS and Class I & II Central Services, recruitment to which is made on the basis of IAS etc. combined competitive examination. Similarly full quota of reserved vacancies is being filled in the Indian Forest Service from 1968 onwards. However in certain posts particularly in specialist and technical posts, all the vacancies reserved for Scheduled Castes and Scheduled Tribes could not be filled by candidates of these communities because Scheduled Castes or Scheduled Tribes candidates fulfilling even the minimum qualifications and/or experience prescribed for such posts were not forthcoming.

(c) The following steps have been taken by the Government for improving the intake of Scheduled Castes and Scheduled Tribes candidates against vacancies reserved for them:

(i) The maximum age limits prescribed for direct recruitment to a service/post, are increased by 5 years in the case of candidates belonging to Scheduled Castes & Scheduled Tribes.

(ii) The criterion for relaxation in standards of suitability in favour of Scheduled Castes and Scheduled Tribes has been redefined in the instructions issued on 25th July, 1970. Under these instructions for appointment against reserved vacancies, candidates of these communities could be selected even if they do not fulfil the general standards of suitability as long as they are not found unfit for appointment to such posts.

(iii) Where requisite number of Scheduled Castes/Scheduled Tribes candidates fulfilling even the relaxed standards are not available to fill the vacancies reserved for them in non-technical and quasi-technical Class III & IV services/posts filled by direct recruitment otherwise than by written examination, the best among the available Scheduled Castes/Scheduled Tribes candidates who fulfil the minimum educational qualifications prescribed for such a service/post would be selected to the extent of the vacancies reserved for such categories. In order to bring such candidates up to the minimum standard necessary, for the maintenance of efficiency of administration, they would be given in-service training.

(iv) The procedure for advertising the vacancies reserved for Scheduled Castes/Scheduled Tribes has been revised with effect from 31st July, 1970. The reserved vacancies in the posts filled by selection would now be advertised calling for applications of Scheduled Castes/Scheduled

Tribes candidates, as the case may be, against such vacancies in the first instance. Should this advertisement prove infructuous, a second advertisement would be issued calling for applications of Scheduled Castes/ Scheduled Tribes candidates as well as general candidates. The general candidates, however, would be considered only if Scheduled Castes/Scheduled Tribes candidates are considered unsuitable for appointment against such vacancies.

(v) Instructions have been issued that Scheduled Castes/Scheduled Tribes candidates should be called for interview on a separate day or a separate sitting of the Selection Committee.

(vi) The period of carrying forward of reservations have been increased from 2 to 3 years. At the end of this period, vacancies reserved for Scheduled Castes could be utilised for Scheduled Tribes and *vice versa* thus reducing the chances of lapsing of a reserved vacancy.

बेबी फूड की कमी

2372. **डा० संकटा प्रसाद :** क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या देश में बेबी फूड की बहुत अधिक कमी है;

(ख) यदि हां, तो इसके क्या कारण हैं; और

(ग) सरकार इस कमी को दूर करने के लिए क्या कदम उठा रही है ?

औद्योगिक विकास मंत्रालय में राज्य-मंत्री (श्री घनश्याम ओझा) : (क) ऐसी सूचना है कि देश के कुछ भागों में शिशु आहार की कमी रही है।

(ख) सम्पूर्ण दुग्ध-चूर्ण की मांग अचानक बढ़ जाने के कारण कुछ ब्रान्डों के शिशु आहारों के उत्पादन में गिरावट आई है।

(ग) शिशु आहार निर्माताओं से अनुरोध किया गया है कि वे तरल दूध इकट्ठा करने में वृद्धि करें जिससे कि शिशु आहारों का उत्पादन बढ़ाया जा सके।

राजनीतिक दलों द्वारा आगामी चुनावों में आकाशवाणी से राजनीतिक विचारों का प्रसार

2373. **श्री अटल बिहारी वाजपेयी :**
श्री जगन्नाथ राव जोशी :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या आगामी चुनावों के लिए सरकार का विचार विभिन्न राजनीतिक दलों को आकाशवाणी से अपने-अपने विचारों का प्रसार करने के लिए सुविधाएं देने का है ; और

(ख) यदि हां, तो उसकी मुख्य बातें क्या हैं, और यदि नहीं, तो इसके क्या कारण हैं ?

सूचना और प्रसारण मंत्रालय में राज्य-मंत्री (श्रीमती नम्बिनी सत्पथी): (क) जी, नहीं।

(ख) चुनाव आयोग के रेडियो पर प्रसारण समय के आवण्टन के बारे में राज-

नीतिक दलों को सहमत करने के पहले के प्रयास असफल रहे। दलों के बीच आपस में सहमति न होने के कारण, सरकार आने वाले चुनावों के दौरान राजनैतिक दलों द्वारा रेडियो पर प्रसारण करने की पद्धति को लागू करना उपयुक्त नहीं समझती।

Utilisation of Foreign Iovestment and Know-how in India

2374. SHRI NAWAL KISHORE SHARMA: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether some foreign countries have offered to invest and know-how for collaboration in India for the development of industries in the country;

(b) if so, whether the investment will be utilised according to the Plans of the Indian Government or their own plans;

(c) how far such industries, if established, will be able to solve employment problem both among educated and uneducated personnel; and

(d) the expected income to be earned by India?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) and (b). Government have been receiving a number of proposals for foreign collaboration in regard to setting up of industries in India. Government recognise the desirability of continued inflow of foreign technical know-how and even invest ment in sophisticated and essential field on a selective basis. Each case would be considered on its own merits and decided in accordance with the policy and decisions of the Government of India.

(c) and (d). It is not possible to indicate precisely the number of persons who would be employed and the expected in come to be earned when these industries bre set up, as it would depend on the number of proposals approved and the number of projects actually set up.

Effect of Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act,1971 on Cotton Prices

2375. SHRI K. G. DESHMUKH : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether the Maharashtra State Government have recently enacted an Act towards monopoly purchase of indigenous Cotton in their State;

(d) whether the execution of the said Act will be from the next cotton season of 1972-73; and

(c) whether this provision has resulted in steep fall of cotton prices in Maharashtra in this season of 1971-72?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA: (a) The Maharashtra Raw Cotton (Procurement, Processing and Marketing) Bill, 1971, whereby all raw cotton trade will be done through the State agencies, has been passed by the State Lagislature and awaits the President's assent.

(b) The State Government are contemplating to implement it from Jst July, 1972.

(c) The fall in price has been noted in other States also and may be due to increased indigenous production, and increased imports, in 1971-72.

Supply of Newsprint to Kerala Newspapers

2376. SHRI A. K. GOPALAN :
SHRIMATI BHARGAVI THANKAPPAN :

Will the Minister of INFORMATION AND BROADCASTING be pleased to State :

(a) whether the attention of Government has been drawn to the difficulties faced by the newspapers in Kerala owing to the shortage of newsprint ;

(b) whether Government had received any representation from Kerala regarding this ; and

(c) if so, the action taken by Government to supply enough newsprint to Kerala ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINGH) : (a) to (c). Newsprint is in short supply and has been declared as an essential commodity. It is not allocated Statewise. Allocation is made to individual newspapers in accordance with the policy framed by Government every year in the light of anticipated supplies of indigenous newsprint and the quantity proposed to be imported within the foreign exchange resources that can be made available for the purpose. No representation has been received from newspapers in Kerala regarding shortage of newsprint within the quantity admissible to them under the Policy. However, some representions have been received about the delay in receipt of supplies and necessary action has been taken on them.

Low Industrial Growth

2377. SHRI GANGADEB :
SHRI P. M. MEHTA :

Will the Minister of PLANNING be pleased to State :

(a) whether the low Industrial growth has worried the Planners and the Planning Commission has called for detailed information from the Central Ministries on the prospects of investment and production in the industrial sector in the remaining two and a half years of the Fourth Plan period ; and

(b) whether the Planning Commission has taken serious view of the short-falls in many sectors in the first two years and has sought the views from the Ministries whether these projections for the rest of the Plan period would be such as to take care of the plan targets ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) and (b). The present low rate of industrial growth has, no doubt, been a matter of concern to the Planning Commission. The Planning Commission had requested the Ministries to furnish information regarding the outlays required during the remaining period of the Fourth Plan keeping in view the progress made in the implementation of the projects so far. The Commission had also requested the Ministries to make an appraisal of the capacity and production likely to be achieved in different industries as compared to the anticipations earlier made in the Fourth Plan.

In the light of the above information and the discussions held subsequently with the Ministries on the subject, an appraisal of the achievements likely to be made in the remaining period of the Plan, as also of the measures for accelerating industrial production and investment, is being undertaken.

Complaints Re. Post Office Savings Bank Frauds

2378. SHRI P. GANGADEB :
SHRI P. M. MEHTA :

Will the Minister of COMMUNICATIONS be pleased to State :

(a) whether his Ministry has received a number of complaints of Post Office Sav-

ings Bank frauds in different Postal Circles in the country ; and

(b) if so, the steps Government propose to take in this regard ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) Yes.

(b) A special Study Group was set up to examine the steps to check the incidence of Savings Bank frauds, and on the basis of their recommendations, the following steps have been taken :

(i) Lists of Savings Bank Pass Books open at Branch post Offices and single handed sub-post Offices which are not submitted to the Head Post Office for entry of interest and verification of the balance, to be sent to Inspectors of Post Offices for verification by actually contacting the depositors.

(ii) The balances in 15 pass books and 10 pass books selected at random, to be verified by the Mail Overseer or other Inspecting Officer respectively at the time of each visit, to rural post Offices and single-handed sub post Offices. At the time of each visit, a different set of pass books to be taken up for verification so that during the year, as far as possible, all the pass books opened at the post Office are verified.

(iii) When any pass book is not available for check, a notice in English/Hindi/Regional Language to be sent to the depositor by Regd. post, intimating the balance at credit for confirmation in an attached Service Cover on which no postage is due.

(iv) A Notice in red ink to be printed on the cover of each pass book desiring the depositors to submit the pass book for entry of interest and verification of balances each year to the Head Post Office and also warning them not to leave the pass book in the Post Office without a proper receipt.

(v) The preliminary receipt acknowledging the amount tendered for opening a Savings Bank Account, to be printed in Hindi and the regional language also.

(vi) The receipt issued by the Post Office for the pass book to be printed in numbered forms and in Hindi and the regional languages.

(vii) A poster has been got ready to educate the public regarding the precautions to be taken against Savings Bank frauds and this will be displayed in all Branch Post Offices in the country in the local language.

(viii) Talks to be broadcast over the All India Radio and the T. V. for the benefit of rural depositors regarding precautions to be taken against S. B. frauds.

(ix) A Hand book to be issued to Mail Overseers entrusted with the verification of Savings Bank Pass Books regarding the measures to be taken in this connection.

Constitution of a Central Board to Coordinate Activities of Various Survey Agencies

2379. SHRI P. GANGADEB :
SHRI P. M. MEHTA :
SHRI RAM SHEKHAR PRASAD SINGH :

Will the Minister of PLANNING be pleased to state:

(a) whether 25-Member Steering Group on Natural Resources, set up by the Department of Science and Technology, has accepted a proposal for the constitution of a Central Board to coordinate activities of various survey agencies ; and

(b) if so, the action taken in pursuance of the said proposal ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): (a) A 25 member Steering Group has been set up by the Planning Commission to make an assessment of the natural resources, and suggest measures for their exploitation to meet the immediate and long term requirements of the mineral and water resources. The Group has not put forward any proposal for the constitution of a Central Board to coordinate the activities of the various survey agencies.

(b) The question does not arise at present. The position may be examined after the Steering Group submits its report.

Seminar on Industrial Research in Developing Countries in Copenhagen, Denmark

2380. SHRI P. GANGADEB:
SHRI P. M. MEHTA:

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether India attended a Seminar on utilisation of Industrial Research in Developing Countries in Copenhagen, Denmark, organised by the United Nations Industrial Development Organisation;

(b) if so, the subjects discussed therein and the decisions arrived at;

(c) whether India had put forward any proposal in the seminar?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) No, Sir. No such Seminar was held to the knowledge of Government but only an Expert Group meeting on "More effective Utilisation of Industrial Research in Developing Countries". This meeting was held in Copenhagen, Denmark from 23rd to 27th August, 1971, and it is learnt that Dr. Atma Ram, the former Director General of Council of Scientific and Industrial Research, who was invited to attend in his personal capacity, attended the meeting.

(b) and (c). Do not arise.

विज्ञापन प्रकाशित करने के लिए 'अवन्तिका' को दी गई सरकारी धन राशि की वसूली

2381. श्री घनश्याह प्रधान : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जांच करने पर पता चला है कि उज्जैन से प्रकाशित होने वाली हिन्दी दैनिक 'अवन्तिका' ने अपनी प्रकाशन संख्या काफी बढ़ा-चढ़ा कर बताई है ; और

(ख) यदि हां, तो अधिक प्रकाशन संख्या के आधार पर इस समाचारपत्र को सरकारी विज्ञापन प्रकाशित करने के लिए मिली अधिक सरकारी रकम वसूल करने के लिए सरकार क्या कार्यवाही करने जा रही है ?

सूचना और प्रसारण मंत्रालय में उप-मंत्री (श्री धर्मवीर सिंह) : (क) जी, हां ।

(ख). सरकारी विज्ञापनों के लिए भुगतान समाचार पत्रों द्वारा दी गई तथा सरकार की ओर से मंजूर की गई दरों के आधार पर किया जाता है । विज्ञापन दरों को मंजूर करते समय सरकार सम्बन्धित समाचार-पत्र की खपत संख्या के बारे में उपलब्ध नवीनतम सूचना को ध्यान में रखती है । इस पत्र के मामले में दर कुछ समय पहले संशोधित की गई थी और सारे मामले पर फिर से विचार किया जा रहा है ।

तथापि, सरकार द्वारा किसी भी समाचार-पत्र को प्रकाशित विज्ञापनों के लिए स्वीकृत दरों के आधार पर जो भुगतान किया जा चुका है, उसका कोई अंश वापस लेने का कोई प्रश्न नहीं है ।

Prescription of a book "Quotations from MAO TSE TUNG"

2382. SHRI P. M. MEHTA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether an order of the Gujarat Government forfeiting a Gujarati Book Captioned "quotations from Mao Tse Tung" was set aside by a Special Bench of the Gujarat High Court; and

(b) if so, the reaction of the Union Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) Yes, Sir. An order of the State Government under section 99 A Cr. P. C. forfeiting copies of the book has been set aside by the Gujarat High Court.

(b) The question of preferring an appeal against the judgement is under the consideration of the Government of Gujarat.

Unified career structure for scientists in Universities and National Laboratories

2383. SHRI P. M. MEHTA :
SHRI P. GANGADEB :

Will the Minister of SCIENCE AND TECHNOLOGY be pleased to state :

(a) whether the case for a unified career structure for Scientists in Universities and National Laboratories was discussed at a conference of Scientists organised by the Indian National Science Academy on the 14th October 1971; and

(b) if so, the main points discussed and the outcome of the discussions ?

THE MINISTER OF PLANNING AND MINISTER OF DEPARTMENT OF SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): (a) and (b). A conference of scientists was organised by the Indian National Science Academy in October 1971. During the discussions on the "Co-ordination of Research Activity in India among Universities, National Laboratories, Government Departments", some of the participants spoke about the need for the adoption of parallel scales of pay in the Universities and National Laboratories, so as to facilitate mobility or reciprocal exchange of scientists. No definite recommendations were, however, made by the Conference in this regard.

Supply of Raw Materials to West Bengal

2384. SHRI S. C. SAMANTA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state the steps taken by Government to improve supplies of raw materials to West Bengal in order to revive the industries in that State ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): Government are taking special measure for the supply of raw materials to West Bengal in order to revive the industries in that State. The Iron & Steel Controller has been asked to give priority to the demands for steel to the manufacturing units situated in West Bengal. The licence applications in respect of raw materials

received from West Bengal are also being treated on a priority basis. Government is also emploring the possibilities of creating a raw-material bank in West Bengal in respect of scarce materials.

Trip of Joint Secretary (Broadcasting) to overseas countries

2385. SHRI S. C. SAMANTA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether Joint Secretary (Broadcasting, recently undertook a trip to USA and other overseas countries; and

(b) what was the mission ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : (a) Yes, Sir.

(b) : To attend meetings of the Joint Working Group of Government of India and NASA Officers in connection with Indo-US Satellite TV experiment.

New Proposals for postal Life Insurance.

2386. SHRI E. R. KRISHNAN : Will the Minister of COMMUNICATIONS be pleased to state :

(a) the main features of the new proposals brought about in the Postal Life Insurance as contemplated in the Annual Report of 1970-71; and

(b) if these have not been implemented so far, the reasons for the same ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) and (b). The following new proposals regarding Posts ILife Insurance have been mentioned in the Report 1970-71 (Activities) of the P&T Department. The main features of these proposals and the reasons for non-implementation where they have not been implemented, are as follows:—

I. *Introduction of Non-medical Business*:

(i) This scheme contemplates that a person eligible for insurance with the Postal Life Insurance may be insured for a sum not exceeding Rs. 3,500/- or 24 times his monthly emoluments drawn (rounded off to the next lower Rs. 100/-) whichever is lower without undergoing a medical examination. His age next birthday should not exceed 28 years. Only Endowment Assurance policies maturing at ages 40-45, 50-55, 58 and 60 will be issued under this scheme. Female lives and Extra Departmental Staff will be excluded from the purview of this scheme.

(ii) The scheme has been approved by the Government and will come into effect on 1-4-1972.

II. *Issue of convertible whole Life policies* :

(i) Under this scheme a policy is issued at the outset as a Whole Life policy with premia payable till the age of 70. The policy holder, however, has the option to convert it at the end of 5 years from commencement into an Endowment Assurance maturing at age 50, 55, 58 or 60 at his discretion subject to his paying appropriate increased premium. If this option is not exercised, the policy will continue to be a Whole Life policy with premia ceasing at age 70.

(ii) The scheme has been introduced from 1-9-1971.

III. *Appointment of registered private medical practitioners.*

(i) At present proponents are required to be examined by Government doctors before the proposals are accepted by Post Office Insurance Fund. In the proposed scheme it was contemplated that registered private medical practitioners could also be authorised to examine the proponents.

(ii) On a detailed examination of this proposal it was found impracticable and has therefore, been dropped.

IV. *Issue of Endowment Assurance policies maturing at age 35 years.*

(i) Earlier Post Office Insurance Fund was issuing Endowment Assurance policies at ages, 40, 45, 50, 55 and 60. It was observed that some of the Jawans of Indian Army retired at the age of 35 and thay were not able to pay premia after retirement and wanted policies maturing at age 35. In order to fulfil this need the P. O. Insurance Fund now issues policies maturing at age 35.

(ii) The scheme has been introduced with effect from 25.8.71.

V. *Revival of lapsed policies.*

(i) At present a P. L. I. policy is treated as lapsed if the insurant fails to pay premia for 12 months continuously. It can be revived on his paying in one lump all the arrears of premia and interest thereon. In some cases insurants find it difficult to pay arrears of premia and interest in one lump. The proposal envisages that the insurant will be allowed to pay the arrears of premia in instalments. With this facility the incidence of lapse of policies will be reduced.

(ii) The scheme is in its final stages of examination.

VI. *Adjustment of non-credits of premia against unadjusted amounts.*

(i) Under the existing arrangements recoveries of premia are made from the pay of the insurants and the Accountants-General are to pass these credits to the P. O. Insurance Fund. In some cases the details of the amounts and the particulars of the insurants from whom these amounts have been recovered are not supplied to the Fund. These cannot, therefore, be posted to the individual policy holder account. It has been observed that there are lump credits and non-credits and for the period prior to March, 1965, the concerning records have been weeded out. Under this proposal it is being considered whether the lump credits can be adjusted against the non-credits. This would ensure speedier settlement of claims.

(ii) The detailed implications of the proposal are under examination.

VII. *Rationalisation of the procedure.*

(i) At present the P. L. I. work in Circle Offices is carried on according to a Manual which was issued decades ago. The whole procedure is being reviewed.

(ii) A Manual for introduction of revised and improved procedures is under preparation.

Delhi-Madras Point-to-Point S. T. D. Service

2387. SHRI E. R. KRISHNAN : Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the point to point S.T.D. Service on the Delhi-Madras route has been completed as planned; and

(b) the number of towns in the four Southern States connected so far with Madras TAX ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) Point-to-Point S. T. D. service between Delhi and Madras is likely to be provided before the end of 1972-73, as planned.

(b) Three Stations *viz.*, Madras (Local Telephone System). Bangalore and Combatore have so far been connected to Madras TAX.

Bangalore-Salem-Coimbatore Coaxial Scheme

2388. SHRI E. R. KRISHNAN : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the new Coaxial Scheme between Bangalore-Salem-Coimbatore has been implemented; and

(b) if not, the reasons for the delay ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) No.

(b) There has been no delay in implementation of Bangalore-Salem-Coimbatore coaxial scheme. Detailed survey has been completed only recently. Arrangements for supply of cable and equipment are being made. The system is planned for commissioning in 1973-74.

Bombay-Madras--Trivandrum Microwave Radio Relay System

2389. SHRI E. R. KRISHNAN : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the engineering and site survey work of Microwave Radio Relay System of Bombay-Madras-Trivandrum has been completed; and

(b) if not, the reasons for the delay ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) No.

(b) Engineering and site survey work has been completed in Bombay-Mangalore section and is in progress for the rest of the scheme. This is a majore scheme covering a route length of 2400 Kms and survey work is expected to be completed by April, 1972.

Alleged Bomb Explosion at Beliaghata, Calcutta

2390. SHRI JAGADISH BHATTACHARYYA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether there was a bomb explosion at Beliaghata, Calcutta on the 23rd October, 1971 while some persons were making bombs; and

(b) if so, the number of persons killed and injured and the number of those arrested in this connection ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : (a) and (b). The required information is being collected and

will be laid on the Table of the House on receipt.

Separate Jails and Courts for Trial of Extremists in West Bengal

2391. SHRI JAGADISH BHATTACHARYYA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether separate Jails and Courts are being set up for the trial of the extremists in West Bengal;

(b) if so, the reasons therefor; and

(c) the number of extremists now under detention in West Bengal ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): (a) to (c). The required information is being collected and will be laid on the Table of the House on receipt.

Disappearance of a convict from Tihar Jail, New Delhi

2392. SHRI H. M. PATEL :
SHRI H. K. L. BHAGAT

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the attention of Government has been drawn to a report in the Hindustan Times dated the 24th October, 1971 stating that a convict in Tihar Jail, New Delhi declared escaped several weeks back, was found in the Jail premises itself;

(b) whether Government have received any report in this regard from the Delhi Administration; and

(c) if so, the result thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) Yes, sir.

(b) and (c). An Enquiry Officer has been appointed by the Delhi Administration to enquire into the matter and his report is still awaited.

Production of Watches in H. M. T. Factories in Bangalore and Srinagar

2394. SHRI SARJOO PANDEY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) by what time the Hindustan Machine Tools Watch Factories at Bangalore and Srinagar will start production; and

(b) the estimated annual production of watches of these factories ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) and (b). HMT's Watch Factory in Bangalore has been producing ordinary watches since 1961-62 and the production of these watches during 1970-71 was 3,45,000 Nos. The Company however, is setting up a new unit in Srinagar for the production of 3 lakhs Nos. of ordinary Watches per annum and expanding the Bangalore Unit for production of 2 lakhs Nos. of automatic Watches with day-date mechanism. The new schemes are likely to commence production during 1972-73.

Production of Tractors in H.M.T., Pinjore

2395. SHRI SARJOO PANDEY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) by what time the Hindustan Machine Tools Tractor Factory at Pinjore will start production; and

(b) the estimated annual production of tractors ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) and (b). Hindustan Machine Tools Ltd., Pinjore have been issued a Letter of Intent on 25.7. 1970 for the manufacture of Zetor 20/1/2511 (20 HP) tractors for an annual capacity of 12,000 Nos. They are expected to go in regular production within the next two years.

Demand by M.Ps. for an inquiry into Nagarwala Scandal

2396. SHRI N. E. HORO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether some Members of Parliament have demanded a high level Commission of enquiry to probe into the 'Nagarwala Scandal'; and

(b) if so, the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) Yes, Sir. A demand for judicial inquiry was made in the course of a discussion on a Calling Attention Notice in the Rajya Sabha on 28th May, 1971.

(b) In the course of the discussion the Finance Minister had not agreed to have a judicial inquiry and no such proposal is under consideration.

Ban on publication of Astrological Predictions

2397. SHRI N. E. HORO:
SHRI CHINTAMANI PANIGRAHI:

Will the Minister of INFORMATION ND BROADCASTING be pleased to ate:

(a) whether there is any proposal under onsideration of Government to invoke provisions of the Indian Penal Code for banning publication of astrological predictions which create undue anxiety-panic among the people; and

(b) if so, the main features thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA) : (a) No, Sir.

(b) Does not arise.

Progress in construction of School Building in Kidwaipuri P & T Colony, Patna

2398. SHRI RAMAVATAR SHASTRI: Will the Minister of Communications be pleased to refer to the reply given to Unstarred Question No. 1704 on the 9th June, 1971 and state the progress made in regard to the construction of School Building at Kidwaipur, P and T Colony, Patna?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : Detailed estimate of the work has been sanctioned by Superintending Engineer P&T (Civil) Circle No. III, Calcutta on 25-9-71 and tenders have also been called by Executive Engineer, P&T Civil, Patna. They are under scrutiny by the Executive Engineer, Civil, P&T, Patna. The work would be awarded shortly, provided tenders are considered favourable.

Reconstitution of Patna Telephone Advisory Committee

2399. SHRI RAMAVATAR SHASTRI: Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the Telephone Advisory Committee for Patna has since been reconstituted, and if so, the names of the

members of the said Telephone Advisory Committee; and

(b) If not, the probable time by which the Telephone Advisory Committee is expected to be reconstituted?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) No.

(b) The matter is under active consideration of the Government and nominations are likely to be finalized within the next one month.

Opening of Transit Sections for Mail Service due to Diversion of Route of Assam Mail

2400. SHRI RAMAVATAR SHASTRI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether for facility of Mail service there is a proposal for opening transit sections from Kiul to Allahabad and Kiul to Jalpaiguri, as a result of the proposed diversion of the route of Assam Mail from Delhi to Barauni to that of New Delhi to New Jalpaiguri; and

(b) if not, the steps proposed to be taken by Government in this regard?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) No, Sir. The proposal of the Railways to divert Assam Mail *via* Kiul and Farakka has been dropped for the present, and it will continue to run *via* Barauni.

(b) Does not arise.

Advocacy of strong Centre by Former Chief Justice of India

2401. SHRI RAJDEO SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of a speech made by the former Chief Justice of India at Chandigarh on the 3rd November, 1971 in which he advocated a strong Centre as the "only solution of the fissiparous tendencies which the misplaced sovereignty of the States has brought to the fore"; and

(b) if so, the reaction of Government to it?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) Yes, Sir.

(b) The former Chief Justice of India has dealt with difficult and complex questions involving the basic approach to the Constitution. Questions relating to Centre-State relations have been studied in depth by the Administrative Reforms Commission and the Study Team appointed by the Commission. The Administrative Reforms Commission have come to the conclusion that "the provisions of the Constitution governing Centre-State relations are adequate for the purpose of meeting any situation or resolving any problem that may arise in this field." The recommendations of the Administrative Reforms Commission on Centre-State relationships are under examination.

Uranium Deposits in Himachal Pradesh and Uttar Pradesh

2402. SHRI RAJDEO SINGH
SHRI HARI KISHORE SINGH:

Will the Minister of ATOMIC ENERGY be pleased to state:

(a) whether new deposits of uranium have been located in several parts of the country; and

(b) whether these finds are likely to influence the Government to revise its atomic policy?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : (a) The Atomic Minerals Division is continually extending the magnitude of indicated reserves of uranium through an intensive programme of prospecting, deep hole drilling and exploratery mining. Several promising areas are under investigation. However, for the present, workable deposits in any significant quantity are available only in the Singhbhum Thrust Belt area.

(b) No, Sir.

Issue of Letters of Intent for setting up of Projects

2403. SHRI RAJDEO SINGH : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether for three projects *viz.*, Blades, Bulbs and Scooter plants, Letters of Intent were issued to the Uttar Pradesh State Industrial Development Corporation ;

(b) whether, while issuing the Letters of Intent, three places—Sandila in Hardoi District, Unnao and Lucknow—were mentioned as sites for the three projects ; and

(c) if so, the reasons and criteria for naming the location, while ignoring more than two dozen most backward Districts in the State ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) Letters of Intent have been issued to U.P. State Industrial Development Corporation for two projects i. e, Scooter and Blades projects. For Bulbs project the letter of intent has not yet been issued.

(b) The Scooter project is proposed to be located at Unnao or at Sandila in Hardoi District. The Razor blades project is proposed to be set up in a backward district of U. P.

(c) The decision regarding the location of projects to be set up by the State Industrial Development Corporation is largely within the direction of the State Government concerned. This Ministry generally goes by the recommendations made by the State Governments in such cases.

राज्यों में प्रति व्यक्ति आय

2404. श्री नरेन्द्र सिंह बिष्ट : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष 1951 और 1961 की जनगणना के अनुसार प्रति व्यक्ति आय की तुलना में प्रत्येक राज्य और समूचे देश की प्रति व्यक्ति आय कितनी-कितनी है ;

(ख) वर्ष 1951 और 1961 की जनगणना के अनुसार प्रति व्यक्ति आय की तुलना में उत्तर प्रदेश में और उत्तर प्रदेश के प्रत्येक जिले में प्रति व्यक्ति आय कितनी-कितनी है ; और

(ग) एक ओर विभिन्न राज्यों की प्रति व्यक्ति आय में असमानता को दूर करने और दूसरी ओर उत्तर प्रदेश के विभिन्न जिलों की प्रति व्यक्ति आय में असमानता को दूर करने के लिए सरकार द्वारा क्या कार्यवाही की गई है या करने का विचार है ?

योजना मंत्रालय में राज्य मंत्री (श्री मोहन धारिया) : (क) विवरण–1, जिसमें केन्द्रीय सांख्यिकीय संगठन के पास उपलब्ध सूचना का समावेश किया गया है सभा पटल पर प्रस्तुत है। [ग्रन्थालय-में रखा गया। देखिये संख्या LT—1193/71] विवरण के स्पष्ट है कि जम्मू तथा कश्मीर को छोड़कर बाकी सभी राज्यों के बारे में वर्ष 1960-61 की अखिल भारतीय और विभिन्न राज्यों की प्रति व्यक्ति आय की सूचना उपलब्ध है। इसी प्रकार की सूचना वर्ष 1950-51 के वर्ष के सम्बन्ध में केवल असम, बिहार, हिमाचल प्रदेश तथा मध्य प्रदेश के सम्बन्ध में उपलब्ध है।

(ख) वर्ष 1960-61 के दौरान उत्तर प्रदेश की प्रति व्यक्ति आय से सम्बन्धित सूचना प्रश्न के भाग (क) के उत्तर में सभा पटल पर रखे गए विवरण-I में दी गई है। वर्ष 1950-51 के सम्बन्ध में सूचना उपलब्ध नहीं है। उत्तर प्रदेश के प्रत्येक जिले में प्रति व्यक्ति आय क्या है, इस बारे में भी सूचना उपलब्ध नहीं है।

(ग) देश के विभिन्न भागों में प्रति व्यक्ति आय की असमानताओं को दूर करने के लिए उठाए गए कदमों का ब्यौरा दर्शाते हुए विवरण II सभा पटल पर प्रस्तुत है। [ग्रन्थालय में रखा गया। देखिये संख्या LT—1193/71] फिलहाल, किसी अन्य कार्यवाई के बारे में विचार नहीं किया जा रहा है।

Abolition of privileges of I.C.S. and I.A.S. Officers

2405. SHRI Y. ESWARA REDDY :
SHRI RAJA KULKARNI :
SHRI CHINTAMANI PANIGRAHI :

Will the PRIME MINISTER be pleased to state :

(a) the privileges of the Indian Civil Service and Indian Administrative Service Officers;

(b) whether Government intend to bring any constitutional amendments to do away with those privileges;

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) Under Article 314 of the Constitution every person who having been appointed to the Indian Civil Service continues to serve under the Government of India or of a State is entitled to receive from the Government of India and the Government of the State, which he is from time to time serving, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the commencement of the Constitution. Subject to this provision, the conditions of service of members of the Indian Administrative Service, including thom who, before becoming such members, were members of the Indian Civil Service, are regulated by the All India Services Act, 1951 and the rules made thereunder by the Central Government. A comparative statement showing the principal differences in the conditions of service of (i) members of Indian Administrative Service who, before becoming such members were members of the Indian Civil Service and (ii) members of the Indian Administrative Service who were not members of the Indian Civil Service, is laid on the Table of the House. [*Placed in Library. See No.* LT-1194/71]

(b) and (c). The matter of deleting article 314 of the Constitution and taking necessary incidental, supplemental and consequen-

tial measures is under the consideration of Government.

Settlement of Telengana Problem

2406. SHRI Y. ESWARA REDDY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Telengana problem has been settled; and

(b) if so, the salient features of the settlement?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) and (b). The problem of Telengana is essentially one of securing accelerated development of the region and providing adequate employment opportunities to the people of this area. Necessary institutional arrangements for achieving these objects were made in pursuance of the Prime Minister's statement in the House on 11th April, 1969, and by enlarging the functions of the Regional Committee by a subsequent amendment of the Andhra Pradesh Regional Committee Order. The State Government have also been advised to take suitable administrative measures to ensure expeditious consideration of the recommendations of the Regional Committee and quick implementation of the decision on such recommendations. They have also been advised to determine the share of Telengana in the general developmental expenditure of the State for the future years and formulate in consultation with the Regional Committee a detailed Fourth Five Year Plan. The scheme for regionalising the services has been discussed with the representatives of the State Government and they have been advised to draw up detailed proposal for the consideration of the Central Government.

भारत में विदेशी फिल्मों का दिखाया जाना

2407. **डा० लक्ष्मीनारायण पाण्डेय**: क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या इस समय देश में 100 से अधिक ऐसे सिनेमा घर हैं जहां केवल विदेशी फिल्में ही दिखाई जाती हैं;

(ख) क्या इनमें से आधे से अधिक दक्षिण भारत में हैं;

(ग) इन सिनेमाघरों द्वारा विदेशी फिल्मों के आयात पर प्रति वर्ष कितना व्यय किया जाता है; और

(घ) आयात की जाने वाली कुल फिल्मों में से अमरीका, ब्रिटेन, इटली, फ्रांस और रुमानिया से आयात की जाने वाली फिल्में पृथक-पृथक कितने प्रतिशत हैं?

सूचना और प्रसारण मंत्रालय में उप मंत्री (श्री धर्मवीर सिंह): (क) और (ख). देश में ऐसे सिनेमाघरों की संख्या लगभग 96 है जो मुख्यतया विदेशी फिल्मों को ही दिखाते हैं। इनमें से लगभग 50 दक्षिण भारत में स्थित हैं।

(ग) शून्य, सिनेमाघर सीधे फिल्में आयात नहीं करते।

(घ) वर्ष 1970 के दौरान केन्द्रीय फिल्म सेंसर बोर्ड, बम्बई ने 176 आयातित फीचर फिल्मों को प्रमाणित किया। इन फिल्मों में से 106 फिल्में अमरीका से, 11 इंगलैंड से, 12 इटली से, 11 फ्रांस से तथा एक रुमानिया से थी।

देश के पूर्वी भाग में पाकिस्तानी घुसपैठियों द्वारा विध्वंसात्मक कार्यवाहियां

2408. **डा० लक्ष्मीनारायण पाण्डेय :** क्या गृह मंत्री यह बताने की कृपा करेंगे कि भारत के पूर्वी भाग में पाकिस्तानी घुसपैठियों तथा एजेन्टों और गुप्तचरों द्वारा गत नौ महीनों में की गई विभिन्न विध्वंसात्मक कार्यवाहियों का ब्यौरा क्या है ?

गृह मंत्रालय में उप-मंत्री, (श्री ऐफ० एच० मोहसिन) : राज्य सरकारों से एकत्र की गई सूचना के अनुसार तोड़-फोड़/तोड़-फोड़ करने की चेष्टा करने के अब तक 40 मामले असम और मेघालय में, 81 त्रिपुरा में तथा 10 पश्चिम बंगाल में हुए हैं। ऐसे मामलों के सम्बन्ध में असम और मेघालय में 69 व्यक्ति तथा पश्चिम बंगाल में 16 व्यक्ति गिरफ्तार किए गए है। उन पर कानून के अनुसार कार्यवाही की जा रही है।त्रिपुरा में गिरफ्तार व्यक्तियों के सम्बन्ध में सूचना अभी प्राप्त होनी है। इस खतरे के बारे में हमारे सभी सम्बन्धित अभिकरण पूरी तरह सतर्क हैं। अग्रिम सूचना के एकत्रीकरण, मुख्य संस्थानों तथा महत्वपूर्ण केन्द्रों की सुरक्षा, महत्वपूर्ण स्थानों में प्रवेश को नियमित करने, रेल मार्ग तथा मुख्य सम्पर्क सड़कों पर गश्त करने, तोड़-फोड़ करने वाले पाकिस्तानी व्यक्तियों को शरण देने वाले संदिग्ध व्यक्तियों की जांच करने इत्यादि प्रबन्धों को सुदृढ़ करने समेत सभी पूर्वोपाय किए गए हैं।

बिहार के पिछड़े क्षेत्रों का विकास

2409. **श्री जगन्नाथ मिश्र :** क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार के पिछड़ेपन को दूर करने की सरकार की कोई योजना है; और

(ख) यदि हां, तो उसके कार्यान्वयन की दिशा में क्या कार्यवाही की जाने वाली है ?

औद्योगिक विकास मंत्रालय में राज्य मंत्री (श्री घनश्याम ओझा) : (क) और (ख). नए एककों की स्थापना तथा 50 लाख रु० तक के अवत्त पूंजी निवेश वाले विद्यमान एककों के पर्याप्त विस्तार के लिए उनके पूंजी निवेश के 1/10 के बराबर केन्द्रीय सहायता स्वीकृत करने हेतु कुछ जिलों/क्षेत्रों को चुना गया है। इस योजना का विस्तृत विवरण दिनांक 26 अगस्त, 1971 को प्रकाशित असाधारण राजपत्र में प्रकाशित किया गया है। बिहार के दो जिले दरभंगा और भागलपुर इस सहायता के पात्र हैं। देश के विभिन्न भागों के करीब 200 जिले जिन्हें पिछड़ा घोषित किया गया है उनमें स्थापित किए जाने वाले उद्योगों के लिए वित्तीय संस्थाओं से रियायती दर पर धन उपलब्ध किया जा सकता है। बिहार के निम्नलिखित जिले भी इस रियायत के पात्र हैं :—

> सन्थाल परगना, भागलपुर, पलामू, चम्पारन सरन, दरभंगा, पुर्निया, मुजफ्फरपुर और सरहसा।

इसके अलावा सरकार कुछ पिछड़े क्षेत्रों में जिनमें बिहार के क्षेत्र भी सम्मिलित हैं,

बड़े उद्योगों के लिए एक ग्रामीण उद्योग परियोजना कार्यक्रम भी चला रही है। भारतीय विकास बैंक ने भी राज्य का एक सर्वेक्षण किया है और राज्य सरकार को एक रिपोर्ट दी है।

ऐसी आशा की जाती है कि राज्य के अभिकरण और उद्यमी इन सुविधाओं/रियायतों का लाभ उठाकर बिहार के विभिन्न राज्यों में उद्योग स्थापित करेंगे।

C.P.I. (M) Supporter Shot dead by Miscreants near Dum Dum Road, Howrah (West Bengal)

2410. SHRI SAMAR MUKHERJEE : will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Shri Ratan Nandi, C.P.I. (M) supporter was shot dead by some miscreants on the 9th September, 1971 in the C.I.T. Quarters under Chitpur P.S. near Dum Dum Road, Howrah ; and

(b) the steps taken by Government to book the culprits responsible for the murder ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): (a) and (b). According to the information furnished by the Government of West Bengal, the late Shri Ratan Nandi was shot at from a pipe-gun by some Naxalites on 9th September, 1971, at B.K. Pal Lane. He was removed to hospital where he was declared dead. A case was registered at Chitpore Police Station on 9th September, 1971, and it is under investigation. Some persons suspected for being responsible are absconding.

Murder of C.P.I. (M) worker at Dinanath Ghosh Station, Howrah

2411. SHRI SAMAR MUKHERJEE : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Shri Dilip Mukherjee, a C.P. I, (M) worker, has been murdered by some anti-social elements on the 15th September, 1971 at Dinanath Ghosh Station under Bally P.S., Howrah (West Bengal) ;

(b) if so, whether any steps have been taken by Government against the assailants; and

(c) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) (a) According to the information furnished by State Government, Shri Dalip Mukherjee was murdered by some miscreants and his dead body was recovered on 16th September, at 17.30 hours.

(b) and (c). 3 persons, suspected to be Naxalites, have been arrested and the investigations in the case are in progress.

Alleged Murder of A.C.P.I. (M) worker at G. T. Road, Howrah (West Bengal)

2412. SHRI SAMAR MUKHERJEE : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Shri Sambha Sahani, a C.P.I. (M) worker was stabbed to death by some miscreants on the 31st August, 1971 at G.T. Road and Faraka Siddhanta Lane crossing Howrah (West Bengal); and

(b) if so, what steps have been taken by Government to bring the culprits to book ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): (a) and (b). According to the information furnished by the Government of West Bengal, Shri Sambha Sahani was killed by some miscreants during the night between first and second of August, 1971. A case was registered in Bally P. S. over the incident on 2nd August, 1971 and it is under investigation. One person has been arrested. The assailants, including the arrested person, are suspected to be Naxalites.

Recovery of Arms and Ammunition from arrested Pak Agents and Spies

2413. SHRI JAGANNATHRAO JOSHI:

SHRI HARI SINGH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of Pakistani agents and spies arrested during the last two years in various parts of the country ; and

(b) the quantity of arms and ammunition captured from them during the period and at the time of their arrests ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) (a) and (b). According to information furnished, 5 persons were arrested in the Union Territory of Chandigarh. No arms and ammunitions were recovered from them. No such arrest has been reported from the States of Gujarat, Maharashtra, Mysore and the Union Territories of Andaman and Nicobar Islands, Dadra Nagar Haveli, Goa, Daman and Diu, L.M. & A. Islands, Manipur, Pondicherry and NEFA.

Information in respect of the remaining States and Union Territories is being collected and will be laid on the Table of the House.

Manufacture of Scooters in Joint Sector

2414. SHRI V. MAYAVAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether a decision has been taken by Government regarding the manufacture of Scooters in the joint sector; and

(b) if so, the salient features of the proposal ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) Necessary investment decision has not yet been taken.

(b) Does not arise.

Manufacture of Rayon Grade Pulp

2415. SHRI V. MAYAVAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the two schemes for the establishment of new units for the manufacture of rayon grade pulp have been implemented; and

(b) if so, the salient features thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) and (b). Letters of intent have been issued to two firms in private sector for the establishment of new industrial under-

takings in Uttar Pradesh and J & K State respectively for the manufacture of rayon grade pulp. Salient features of the schemes are as follows :

S. No.	Name of the firm	Products to be manufactured and location	Capacity approved (tonnes per annum)	Date of issue of letter of intent
1.	M/s. Suraj Industrial Packings Ltd., Lucknow.	Rayon Grade Pulp in Lucknow.	30,000	26-8-70
2.	M/s. Modipon Ltd., Modinagar.	Rayon Grade Pulp in J & K State.	30,000	23-8-71

Camp organised by Hippies at Srinagar

2416. SHRI DINESH JOARDER : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the attention of Government has been drawn to a report in the Amrit Bazar Patrika on the 4th September, 1971 that a Nudist camp was organised by some Hippies where naked dance was performed by them during the last week of August near Dal Lake in Srinagar (Jammu and Kashmir) ;

(b) whether Government have conducted an enquiry into the matter; and

(c) if so, the steps proposed to be taken by Government to prohibit this kind of obscene activities of Hippies in future ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : (a) Yes, Sir.

(b) and (c). No such incident as alleged in the news item has come to the notice of the Government of Jammu and Kashmir who are keeping constant watch on the activities of Hippies.

Shortage of essential commodities in Malda District (West Bengal)

2417. SHRI DINESH JOARDER : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Malda District of West Bengal, flood ravaged in August-September, is at present facing a severe scarcity of essential commodities; and

(b) if so, the steps taken by Government to remedy the situation in Malda by ensuring sufficient supply of essential commodities ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) and (b). Information has been called for from the Government of West Bengal and will, on receipt, be laid on the Table of the House.

Telephone connections in Jamnagar

2418. SHRI D. P. JADEJA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) the existing number of Telephone connections in Jamnagar ;

(b) the number of applications for new connections which are pending at present ;

(c) whether Government propose to install Automatic Dialling System in Jamnagar Telephone Exchange ; and

(d) if not, the reasons therefor ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) 1675.

(b) 941

(c) Yes. It has been decided to replace the existing exchange at Jamnagar by a Automatic Exchange. The building work for the exchange will commence in 1972 and the automatic exchange will be commissioned into service in 1975-76.

(d) Does not arise.

Inclusion of Jamnagar in Second Class Posts and Telegraphs Division

2419. SHRI D. P. JADEJA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether Government are considering to include Jamnagar District in Second Class Posts and Telegraphs Division ; and

(b) whether the Kutch Region in Gujarat Circle has been upgraded ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) The proposal has been excamined but it is found that a separate Postal Division for Jamnagar District is not justified according to the prescribed standards at present.

(b) It is presumed that the reference is to the Kutch Postal Division which is now a Class-II charges. The upgradation of the Division to Class I is not at present justified.

Small Industries in Darjeeling

2420. SHRI SAROJ MUKHERJEE :
SHRI RATTANLAL BRAHAMAN :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Khadi and Village Industries Commission, Bombay and the Cottage and Small Scale Industries Directorate, West Bengal propose to start small industries in Darjeeling District (West Bengal) jointly ;

(b) if so, the main features thereof ; and

(c) the time by which these proposals are to be implemented ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (c). The information has been called for and will be laid on the Table of the House.

Training of Wireless Operators

2421. SHRI K. LAKKAPPA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) the arrangements existing in the country for the training of Wireless Operators, Maritime and Aeronautile services ;

(b) the total requirements every year under these categories of Wireless Operators ; and

(c) the steps taken for the training of a large number of Wireless Operators ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) to (c). There are a number of institutes run by State Governments and private organisations in the country for training of wireless operators for maritime & aeromobile services. Only examinations for grant of certificates of proficiency as wireless operators are conducted according to International regulations by the Ministry of Communications. The number of candidates who passed in these examinations during the last 3 years is as follows:

	1968-69	1969-70	1970-71
1st Class (Maritime & Aeromobile)	Nil	Nil	Nil
2nd Class (Maritime)	50	58	92
Special Class (Maritime)	19	14	19
Radio Telephony (Maritime)	25	25	17
Radio Telephony (Aeromobile)	216	410	273

Information about the total requirements of wireless operators every year for maritime and aeromobile services is not readily available.

Non-Inclusion of Fresh Projects in Electrical Sector in Fourth Plan of Kerala

2422. SHRI M. K. KRISHNAN : Will the Minister of PLANNING be pleased to State :

(a) whether the Planning Commission has suggested to the Kerala Government for the non-inclusion of any fresh projects in the electrical sector during the Fourth Five Year Plan ;

(b) if so, the reasons therefor ; and

(c) the reaction of the Kerala Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA : (a) The Planning Commission has not suggested to Kerala Government not to include any fresh projects in the electrical sector during the Fourth Plan period. However, the inclusion of any new major scheme in the Fourth Plan requires the approval of the Planning Commission, taking into account the resource position of the State and other relevant matters.

(a) Does not arise.

(b) Does not arise.

Request by Trade Union Leaders for Representation on Labour Panel

2423. SHRI RAJA KULKARNI : Will the Minister of PLANNING be pleased to State :

(a) whether the Trade Union Leaders have requested him for representation on the Planning Commissions' Labour Panel to discuss various policies regarding wages, prices, profits and incomes ; and

(b) if so, the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) and (b). The Planning Commission had covened a meeting with Trade Union Leaders and Management on 10th Sep. 1971 for informal discussions on how to improve industrial relations and the feasibility of evolving

wages, incomes and prices policy, which would be consistent with industrial development and economic growth. During the course of discussions, a suggestion was made that the Planning Commission might set up a consultative body, either in the form of a labour panel or a steering group, consisting of representatives of labour and management to serve as a forum for consultations on labour matters as a part of the planning process. This suggestion is under examination.

Issue of Letters of Intent / Licence for Manufacture of small Car

2424. SHRI SHYAMNANDAN MISHRA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to State :

(a) the number of units in the private sector which have been licenced or granted Letters of Intent to manufacture small car ;

(b) the authorised and the subscribed capital of each of them ;

(c) the personnel of their Board of Directors ; and

(d) whether there has been in any case some modification of the original stipulation in respect of raw materials and components ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) Three units have been granted letters of intent for industrial licence and one for registration for manufacture of passenger cars in the private sector.

(b) and (c). Government have no information.

(d) The original stipulation in the letters of intent issued to two parties had been amended to the extent that in the event of short supply of any raw material normally available in the country, any request for import of such raw materials would be considered to the appropriate time in the light of indigenous availability and within the framework of import policy in force at that time. The stipulation with regard to raw materials amended on the lines set out above has been incorporated in the other two letters of intent issued later.

Death of an Employee of C. I. T. U. LTD Hindustan Steel Employee's Union Durgapur

2425. SHRI KRISHNA CHANDRA HALDER : Will the Minister of HOME AFFAIRS be pleased to State :

(a) whether Shri S. Santhikari, an employee of the C. I. T. U. Hindustan Steel Employees' Union, Durgapur on the 31st July, 1971 ;

(b) whether Government had taken any steps to book the culprits ;

(c) if so, the number of persons arrested and the action taken against them ; and

(d) if the reply to part (b) above be in the negative, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : (a) to (d). According to the information received from the Government of West Bengal, Shri S. Santhikari, an employee of the Hindustan Steel Plant, Durgapur, and a member of the Hindustan Steel Employees' Union (CITU) was stabbed to death by some unknown miscreants on the 31st July, 1971. A case was started in Durgapur Police Station over the incident on the same date and investigation is in progress. No arrest has so far been made. It is reported that investigation in the case is not making any headway because of the lack of cooperation

on the part of the near relatives and friends of the deceased.

Recommendations of Standing Committee of Central Advisory Council of Industries

2427. SHRI P. K. DEO: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to State :

(a) whether there was any discussion regarding foreign collaboration at the recent meeting of the Standing Committee of the Central Advisory Council of Industries ; and

(b) if so, the recommendations made by the Standing Committee and the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) The scope and terms of foreign collaboration was one of the subjects in the fourteenth meeting of the Standing Committee of the Central Advisory Council of Industries held in New Delhi on the 21st October, 1971.

(b) The discussions held in the meeting were in the nature of general exchange of views relating to the subjects included in the agenda. In so far as the subject 'scope and terms of forign collaboration' is concerned, some of the important points made in the meeting included elimination of delays in according approval to foreign collaboration agreements, encouragement being given to collaboration proposals aiming at import substitution and export promotion, the period of validity of five years of the collaboration agreements being reckoned from the day an industrial undertaking goes into production and such period being extended in suitable cases and so on. The suggestions made at the meeting have been taken note of by Government and suitable action will be taken, wherever considered necessary.

Maharashtra Mysore-Boundary Dispute

2429. SHRI P. K. DEO: Will the Minister of HOME AFFAIRS be pleased to State :

(a) whether any further efforts have been made for the settlement of Mysore-Maharashtra boundary dispute ; and

(b) if not, what are the difficulties in the settlement of the border dispute between the two States ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) and (b). Government would like to see this problem solved as early as possible. However, it would be possible to pursue the matter actively only after the restoration of the normal constitutional machinery in Mysore State.

Telephone Meters

2430. SHRI AMAR NATH CHAWLA: Will the Minister of COMMUNICATIONS be pleased to State :

(a) whether a large number of complaints were received by Government regarding overcharging the Telephone Subscribers ;

(b) whether some persons of the Telephone Department were found indulging in malpractices in charging Telephone calls from the Subscribers ; and

(c) if so, the number of persons arrested in this connection and the action taken against them ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) Yes.

(b) Yes.

(c) Three persons were arrested, 2 of these being daily rated Mazdoors have been

removed from employment while the third who is a lineman has been placed under suspension and the case is being handled by C.B.I.

Unutilised Capacity of Telephone Exchanges

2431. SHRI AMAR NATH CHAWLA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the existing capacity in Telephone Exchanges in the country is not being fully utilised;

(b) if so, to what extent; and

(c) the steps taken by Government in this regard?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) Yes.

(b) On 30th September, 1971 the inadequate utilisation was to the extent of about 10.9% which includes 6% normally kept as spare capacity.

(c) The Department have arranged for the matching capacity of underground telephone cables and certain essential items of stores like iron-wires and insulators etc. Aware of the necessity for full utilisation of the existing exchange capacity the P&T Board has been reviewing the problems of inadequate utilisation periodically, as a result of this, the utilisation factor has improved from 79.5% to 83.1% in the last 18 months.

Provision of Telephone connections in Delhi and New Delhi

2432. SHRI AMAR NATH CHAWLA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the priority date upto which Telephone connections have already been provided from the General Waiting List as on the 1st November, 1971 from various Telephone Exchanges in Delhi and New Delhi;

(b) the number of Telephone connections provided from various Telephone Exchanges in Delhi and New Delhi during the last two years from the general Waiting list and to other categories of persons category-wise; and

(c) the special steps taken to liquidate the long General Waiting List?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) A statement is laid on the Table of the Lok Sabha.

(b)

Year	OYT	General	Special
1969-70	5650	1480	1490
1970-71	5887	989	981

(c) The Govt. is taking necessary steps in regard to the expansion of the existing manufacturing Units and for setting up new manufacturing Units for the telecommunication equipment & cables to enable additional lines to be provided. Besides this, some equipment & telephone cables are being imported in view of the pressing demand.

Statement

Name of exchange	Date upto which General Waiting List is cleared
1. Shahdara	22-5-64
2. Tis Hazari	23-5-58
3. Delhi Gate (Levels 26 & 27)	13-3-58
4. Secretariat	20-8-71

5. Rajpath	20-8-71
6. Delhi Cantt.	16-5-64
7. Connaught Place	20-7-57
8. Karol Bagh	
Level 56	12-9-58
Level 58	7-7-59
9. Jor Bagh (Levels '7', '61' & '52')	22-1-59
10. Okhla	11-11-59
11. Faridabad	30-9-66
12. Badarpur	10-10-62
13. Bahadurgarh	20-1-67
14. Gaziabad	18-8-65
15. Najafgarh	6-10-69
16. Nangloi	30-9-71
17. Ballabgarh	23-11-66
18. Narela	1-8-67
19. Badli	16-12-66

पाकिस्तानी सैनिकों द्वारा नागरिकों और सशस्त्र दलों के लोगों का अपहरण

2433. **श्री हुकम चन्द कछवाय** : क्या गृह मंत्री यह बताने की कृपा करेंगे कि गत छः महीनों में पाकिस्तानी सैनिकों द्वारा सीमा पर से कितने नागरिकों और सशस्त्र दलों का अपहरण किया गया ?

गृह मंत्रालय और कार्मिक विभाग में राज्य मंत्री (श्री राम निवास मिर्धा) : गत छः महीनों में सीमा सुरक्षा दल के 10 व्यक्तियों का भारतीय क्षेत्र से, पाकिस्तानी सैनिकों द्वारा अपहरण किया गया।

नागरिकों के अपहरण के बारे में सूचना एकत्रित की जा रही है और प्राप्त होने पर सभा पटल पर रख दी जायगी।

केन्द्रीय जांच ब्यूरो द्वारा सरकारी कर्मचारियों के विरुद्ध जांच

2434. **श्री हुकम चन्द कछवाय** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) 1 जनवरी, 1969 से अब तक केन्द्रीय जांच ब्यूरो ने कुल कितने सरकारी अधिकारियों तथा कर्मचारियों के विरुद्ध जांच की ; और

(ख) उनमें राजपत्रित अधिकारी कितने हैं ?

गृह मंत्रालय और कार्मिक विभाग में राज्य मंत्री (श्री राम निवास मिर्धा) : (क) 1 जनवरी, 1969 से 22 नवम्बर, 1971 तक की अवधि के दौरान केन्द्रीय जांच ब्यूरो ने 1975 सरकारी कर्मचारियों के विरुद्ध जांच की है।

(ख) 2170।

गोहाटी के पास विस्फोटक सामग्री का बरामद होना

2435. **श्री हुकम चन्द कछवाय** : क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

क्या गोहाटी के पास जागी रोड पर सितम्बर, 1971 में किसी कार से भारी

मात्रा में विस्फोटक सामग्री बरामद की गई थी ; और

(ख) यदि हाँ, तो इस संबंध में कितने व्यक्ति बन्दी बनाए गए और उनके विरुद्ध क्या कार्यवाही की गई ?

गृह मंत्रालय में उप-मंत्री (श्री एफ० एच० मोहसिन) : (क) और (ख). अपेक्षित सूचना एकत्रित की जा रही है तथा प्राप्त होने पर सदन के पटल पर रख दी जायगी ।

जम्मू कश्मीर में पाकिस्तानी जासूसों की गिरफ्तारी

2436. श्री हुकम चन्द कछवाय : क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष 1970-71 में जम्मू व काश्मीर में कितने पाकिस्तानी नागरिक और एजेंट बन्दी बनाए गए ; और

(ख) उनके पास से बरामद सामग्री का ब्यौरा क्या है ?

गृह मंत्रालय में राज्य मंत्री (श्री कृष्ण चन्द पन्त) : (क) जम्मू व काश्मीर सरकार द्वारा दी गई सूचना के अनुसार 17 पाकिस्तानी नागरिक तथा एजेन्ट 1 अप्रैल, 1970 से 31 मार्च, 1971 तक की अवधि में राज्य में गिरफ्तार किये गये ।

(ख) भारतीय सेना के बारे में सूचना के कुछ कागजात इन व्यक्तियों में से एक से बरामद किये थे ।

Investigation by C. B. I. into charges against Chief Minister of Goa

2437. SHRI DASARATHA DEB: SHRI JYOTIRMOY BOSU:

Will the PRIME MINISTER be pleased to state:

(a) whether the Central Bureau of Investigation has investigated the charges against the Chief Minister of Goa;

(b) if so, the findings thereof; and

(c) the follow-up action taken ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) to (c). The Central Bureau of Investigation have not investigated into any allegations against the Chief Minister of Goa, Daman and Diu.

A memorandum containing certain allegations against the Chief Minister, Goa Daman and Diu was received by the President and Prime Minister from some leading citizens of Goa in August 1970. The Comments of the Chief Minister on the Memorandum were invited and have been received. These are under examination.

Decision on recommendations of Car Prices Enquiry Commission

2439. SHRI N. SHIVAPPA: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) whether Government have since examined the recommendations of the Car Prices Enquiry Commission;

(b) if so, the outcome thereof; and

(c) whether Government have taken a decision to allow car manufacturers to raise the prices of Car?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). After the submission of the Report of the Car Prices Inquiry Commission which was set up on the recommendation of the Supreme Court, the hearing of the writ petitions filed by the car manufacturers in the Supreme Court in 1969 was resumed. After hearing the submission and arguments of Government on the one side and the car manufacturers on the other in regard to the recommendations made by the commission, the Supreme Court delivered its judgment on 24-11-71 laying down the broad principles on which the future selling prices of the three cars should be fixed. Government are studying the judgment and taking steps to fix the revised prices of cars in accordance with the principles laid down therein.

Alleged murder of two Teachers in Howrah

2440. SHRIMATI BIBHA GHOSH COSWAMI : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether two teachers, one Shri Avedananda Mukherjee of the Palchowdhnry High School, Howrah and the other Shri Ashoke Lal Kundu of the Vivekananda Institution, Hawrah were brutally murdered by some anti-social elements on the 12th August, 1971;

(b) if so, the steps taken by Government to apprehend the assailants; and

(c) the number of persons arrested and the action taken against them?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : (a) to (c). According to the available information, Sarvashri Abedananda Mukherjee and Ashokelal Kundu were stabbed to death by some miscreants, suspected to be Naxalities, on August 12, and 13, 1971 respectively. The police have registered cases over the two incidents. Further information is being obtained from the State Government.

Planning Commission for West Bengal

2441. DR. RANEN SEN :
SHRI INDRAJIT GUPTA :

Will the Minister of PLANNING be pleased to state:

(a) whther there is any proposal to set up a State Planning body for West Bengal;

(b) if so, its composition and functions; and

(c) when it is likely to be set up?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) A proposal for the constitution of a State Planning Board is under the consideration of the Government of West Bengal. West Bengal Government, together with other State Governments, was advised by the Planning Commission to set up such an agency on the lines of the recommendations of the Administrative Reforms Commission.

(b) and (c). No decision about its functions or composition or the date by which it may be set up, has yet been taken.

Applications for Foreign Collaboration

2442. SHRI P. VENKATASUBBAIAH: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the fields in which Government propose to promote foreign collaboration and

whether any incentives have been offered to foreign collaborators; and

(b) if so, the number of applications received during the current year so far and the number of those since sanctioned?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) As a general policy, the Government of India recognise the desirability of continued inflow of progressive technology in sophisticated and essential fields where Indian tcchonology has not adequately been developed. A number of facilities and incentives are already available to foreign investors within the broad framework of the Government's policy on foreign investment and collaboration. Such facilities include non-discrimination against foreign capital once it is admitted into the country, freedom of remittance of profits and dividends, avoidance of double taxation of income and various reliefs and exemptions to foreign companies and investors in the matter of taxation of dividends, royalty and know-how fees, relaxation of restrictions on imports of plants and machinery on 100% export oriented industries, income-tax exemption to technicians, etc.

(b) The number of applications for foreign collaboration received during 1971 upto 30-9-71 is 335 and the number of approvals granted during the same period is 207.

Dispersal of industry to tackle unemployment problem

2443. SHRI P. VENKATASUBBAIAH: Will the Minister of INDUSTRIAL DEVELOPMENT be please to state :

(a) whether wider regional dispersal of industry in the country to tackle the problem of unemployment has been given a consideration as suggested by the Minister of Finance, while addressing the Zonal Convention of the National Alliance of Young Entrepreneurs in New Delhi on the 16th August, 1971;

(b) if so, the outcome thereof; and

(c) the steps taken or proposed to be taken in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). The Government have already selected a number of industrially backward districts from all the states and Union Territories of the country where industrialists setting up new industrial units or effecting substantial expansion of their existing industrial units are given some special concessions/subsidies by the Central Government, State Governments and the financial institutions.

Besides, in their guidelines to State Governments for preparation of Annual Plan 1972-73, the Planning Commission have stated that the Annual Plan for 1972-73 should be formulated and re-oriented with the maximum emphasis on creation of additional employment opportunities, specially in the rural areas and for educated people, and on removal of disparities between different regions as well as sections of the population.

The Government are also operating a rural industries projects programme for small industries in different backward areas.

Progress made in removing Unemployment

2444. SHRI P. VENKATASUBBAIAH: Will the Minister of PLANNING be pleased to state :

(a) whether the Planning Commission could not incorporate unemployment

figures in the Fourth Five Year Plan document;

(b) whether the Five Year Plan have made sizeable allotments for unemployed running into crores of rupees but the results have remained unknown; and

(c) if so, the reasons therefor and the steps proposed to be taken in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) to (c). The Planning Commission used to present estimates of backlog of unemployment at the beginning of the Plan and the additional employment likely to be created through the implementation of the Plan as formulated. In view of the considerable divergence of opinion regarding the appropriate definitions and suitable yardsticks for measuring unemployment and under-employment in rural and urban areas and in view of the widely differing magnitudes of unemployment worked out on the basis of various sources such as Census, National Sample Survey and the Employment Exchange data, it was felt that the various aspects needed a closer scrutiny. Accordingly, the Planning Commission set up a Committee of Experts to enquire into these aspects and make suitable recommendations. The Committee submitted its Report to the Planning Commission in March 1970. The Committee has suggested that (1) the concepts of labour force and of measurement of unemployment and under-employment in terms of man-years as adopted in developed economies are unsuitable for an economy like ours with its preponderance of self-employment and production within house-hold enterprises, (2) estimates of unemployment and under-employment presented in one dimensional magnitude are neither meaningful nor useful as indicators of the economic situation, (3) studies should be undertaken to obtain data on different segments of the labour force, taking into account important distinguishing characteristics such as region, rural-urban residence, status of workers, educational attainment, age, sex, etc., and (4) various improvements should be made in the collection and presentation of data by agencies such as the Census, National Sample Survey and Employment Exchanges. The suggestions made by the Committee were examined in consultation with the various agencies engaged in work relating to employment and manpower. Some of the suggestions have already been implemented by the data collecting agencies. A comprehensive labour force survey is proposed to be undertaken by the National Sample Survey in 1972-73. Selected studies are proposed to be undertaken in the field of employment in pursuance of the Committee's recommendations. In view of the above, it was not possible to work out and present any reliable estimates of the unemployed or estimates of employment opportunities in the Fourth Plan document.

The successive Five Year Plans have laid stress on the generation of employment opportunities on an increasing scale and various programmes were undertaken during these Plan periods which have resulted in generation of large employment opportunities both in rural and urban areas. In view of the conceptual problems and other difficulties pointed out earlier, it is not possible to estimate with any accuracy how many additional jobs would have been created on account of these measures.

The Planning Commission is fully aware of the seriousness of the unemployment situation in the country and has kept this aspect in view while formulating development programmes in the various

sectors of the Fourth Plan which have been oriented to generating increased employment opportunities. Keeping in view the special needs of the weaker sections and areas, where this problem is most acute, crtain special programmes have been drawn up and are being implemented since the year 1970-71. The special programmes thus formulated include Small Farmers Development Agencies (Rs. 67.5 crores), Agencies for Marginal Farmers and Agricultural Labourers (Rs. 47.5 crores), Rural Works Programme (Rs. 100 crores), Dry Farming Programmes (Rs. 20 crores) and Area Development Schemes (Rs. 15 crores). In addition, the Crash Scheme for Rural Employment, which has been taken up during the current year, is expected to provide employment for 1000 persons on an average in each District. A provision of Rs. 50 crores has been made for 1971-72 for this programme. A provision of Rs. 25 crores has also been made in the Central Budget for 1971-72 for schemes specially designed to suit the educated unemployed, including engineers and technicians. The main programmes approved relate to employment of teachers in the primary schools, rural engineering surveys, setting up of agro service centres, extending assistance to entrepreneurs for setting up small scale industries, investigation of road works to be undertaken in the Fifth Plan, building up of design units for rural water supply and providing assistance to entrepreneurs for setting up of petrol dealerships. These programmes are expected to provide employment to a large number of teachers, engineers, diploma holders, draftsmen, graduates and matriculates besides semi-skilled and skilled workers.

Separate State for Agra

2445. SHRI P. VENKATASUBBAIAH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the reported demand to constitute Agra into a separate State has been voiced again from some quarters;

(b) if so, the reaction of Government thereto; and

(c) the steps envisaged for the development of the Braj region ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) No such demand has been received.

(b) Does not arise.

(c) Development of different regions within a State is the concern of the State Government.

Setting up of New Radio Stations

2446. SHRI RAJA KULKARNI :
SHRI K. M. MADHUKAR :

Will the Minister of INFORMATION AND BROADCASTING be pleased to state the number of new Radio Stations to be set up in the country, State-wise, during the current Five Year Plan ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY): A statement showing the additional broadcasting facilities being provided in different States during the Fourth Plan period is enclosed. This takes into account the revisions made in the original Plan proposals consequent upon the mid-term appraisal of the Plan.

STATEMENT

1. Assam and Nefa :

(1) Tezpur

(2) Silchar

(3) Towang
(4) Dibrugarh
(5) Aijal

2. *Andhra Pradesh* :
(1) Visakhapatnam

3. *Bihar* :
(1) Darbhanga

4. *Gujarat* :
(1) Rajkot

5. *Haryana* :
(1) Rohtak

6. *Himachal Pradesh* :
(1) Simla

7. *Jammu & Kashmir* :
(1) Leh
(2) Srinagar
(3) Jammu

8. *Kerala* :
(1) Alleppey

9. *Madhya Pradesh* :
(1) Chhatarpur
(2) Rewa
(3) Jagdalpur
(4) Ambikapur
(5) Gwalior
(6) Raipur
(7) Indore

10. *Maharashtra* :
(1) Jalgaon
(2) Ratnagiri
(3) Nagpur

11. *Mysore* :
(1) Mangalore

12. *Nagaland* :
(1) Kohima

13. *Orissa* :
(1) Cuttack/Bhubaneshwar
(2) Jeypore
(3) Sambalpur

14. *Rajasthan* :
(1) Suratgarh
(2) Jodhpur
(3) Udaipur
(4) Bikaner

15. *Tamil Nadu* :
(1) Coimbatore

16. *Uttar Pradesh* :
(1) Aligarh
(2) Gorakhpur
(3) Najibabad
(4) Rampur
(5) Varanasi

17. *West Bengal* :
(1) Calcutta
(2) Siliguri

18. *Manipur* :
(1) Imphal

19. *Tripura* :
(1) Agartala

20. *Andaman & Nicobar* :
(1) Port Blair.

Financial implications of Government to take over Sick Industries

2447. SHRI R. R. SINGH DEO : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have decided to take over sick industries throughout the country; and

(b) if so, the financial implications in implementing the proposal ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) Government have through promulgation of the Industries (Development and Regulation) Amendment Ordinance, 1971 provided for certain matters connected with the taking over of sick and closed industrial undertakings by them. A copy of Ordinance has already been laid on the Table of the House. The powers taken by the Government under the Ordinance are of an enabling type. Government would examine each case on its merits and they may take further action in terms of the Ordinance if they are satisfied that having regard to the general economic situation, the economic viability of the industrial unit and the public interest involved and also the availability of resources with the Government, there is justification for doing so.

(b) The financial implications are being worked out and would be explained in the Financial Memorandum to be appended to the Industries (Development and Regulation) Amendment Bill, 1971, when it is introduced in the Lok Sabha.

Closure of Bengal Paper Mill Co., Raniganj (West Bengal)

2449. SHRI ROBIN SEN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the factory of Bengal Paper Mill Co. at Raniganj, Burdwan District (West Bengal) was closed down during the month of September, 1971;

(b) if so, the reasons therefor;

(c) the total number of workers rendered jobless due to this closure; and

(d) the steps taken by the Government to reopen this mill?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (d). Information is being collected and will be laid on the Table of the House.

Report of Inquiry Commissions on Communal Riots

2450. SHRI SHASHI BHUSHAN : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have since received the Reports of Inquiry Commissions set up in connection with Communal riots in Ahmedabad, Allahabad Bhiwandi and Indore;

(b) if so, the findings thereof;

(c) the steps taken by Government in pursuance of the reports of the Inquiry Commissions in this connection; and

(d) the action taken against the persons held responsible ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SARI RAM NIWAS MIRDHA) : (a) and (b). The report of the Commission which inquired into the Gujarat disturbances of September, 1969 has been published by the Government of Gujarat. No inquiry has been held under the Commissions of Inquiry Act, 1962 into any of the communal disturbance at Allahabad The inquiry in regard to the Maharashtra disturbance of May, 1970 is still in progress The report of the Commission of Inquiry which went into Indore disturbances of June 1969 is under consideration of the Government of Madhya Pradesh.

(c) and (d). Information regarding action taken on the findings and recommendations of the Commission that inquired

into the Gujarat disturbances will be furnished separately.

Expansion of International Tobacco Ltd.

2451. SHRI SHASHI BHUSHAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have granted expansion to the International Tobacco Co. Ltd., a subsidiary of D. Macropolo and, if so, to what extent the expansion has been allowed and the present capacity thereof;

(b) the value of import licences granted to them for their expansion programme and their maximum demand; and

(c) the reasons for permitting expansion and issue of import licences and the action Government proposed to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) to (c). M/s. International Tobacco Co., Ltd. are registered with the Directorate General of Technical Development for manufacture of 600 million cigarettes per annum. They have since applied for registration for an additional capacity of 3000 million pieces per annum under the current liberalised licencing policy. The proposal involves import of machinery valued at Rs. 4,96,577. Their application for registration as well as for import of machinery is under consideration.

Conference of Akhil Bhartiya Vidyarthi Parishad in New Delhi

2452. SHRI SHASHI BHUSHAN : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware that in the recent past, a Conference of the Akhil Bhartiya Vidyarthi Parishad was held in New Delhi and among 1,000 participating delegates most of them were senior R. S. S. leaders; and

(b) whether the Government are aware that certain Government employees also took part in this conference?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) Government have information that the 19th Annual Conference of the Akhil Bhartiya Vidyarthi Parishad was held in New Delhi from the 31st October, 1971 to the 2nd November, 1971. This was attended by some prominent leaders of the Rashtriya Swayam Sewak Sangh.

(b) There is information of one Government employee having participated in a symposium held during the conference.

Introduction of a Bill on Management of Gurdwaras in Delhi

2453. SHRI NIHAR LASKAR : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the progress made towards drafting a Bill for the management of Gurdwaras in Delhi; and

(b) whether the Bill is likely to be introduced in Lok Sabha during the current session ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) and (b). A Bill is being drafted and it is Government's intention to introduce it in the current session of Parliament.

Raising of age limit for Entry to All India Services

2454. SHRI BISHWANATH JHUNJHUNWALA : Will the PRIME MINISTER be pleased to state :

(a) whether Government have taken any decision on the recommendation made by the Administrative Reforms Commission to raise the age limit for entry in All-India Services, the examinations for which are conducted by the Union Public Service Commission;

(b) if so, the nature of the decision taken; and

(c) when the decision will be implemented?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) No, Sir.

(b) and (c). Do not arise.

Cabaret Dances in Metropolitan Cities

2456. SHRI K. M. MADHUKAR :
SHRI DHARAMRAO AFFAL PURKAR :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it has been brought to the notice of Government that obscene and vulgar cabaret dances are increasing, in the metropolitan cities like Delhi, Bombay, Madras, Calcutta and other big cities; and

(b) if so, the reaction of Government in this matter and the steps proposed to be taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) Instances of such cabaret dances have come to notice in some of the big cities.

(b) Section 294, IPC makes the performance of an obscene act by a person in public place to the annoyance of others punishable with imprisonment which may extend upto 3 months or with fine or with both. Besides, some of the State Governments have laid down guidelines to ensure that such dances do not offend public susceptibilities.

Raising of age limit for Recruitments of Government Employees

2457. SHRI K. M. MADHUKAR :
SHRI B.K. DASCHOWDHURY:

Will the PRIME MINISTER be pleased to state :

(a) whether Government have decided to raise the age limit for recruitment of Government employees to 28 years;

(b) if so, the reasons therefor; and

(c) when this decision will be implemented?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) to (c). No general proposal regarding raising of the upper age limit to 28 years to entry into Government service is under consideration. However, as a result of a suggestion made by the Staff Side in a recent meeting of the National Council of the Joint Consultative Machinery, a proposal to raise the upper age limit for direct

recruitment to class III ministerial non-gazetted posts from 21 to 25 years is under consideration.

2. The Administrative Reforms Commission in their report on 'Personnel Administration' have recommended raising of age limits for the non-technical higher Services. The Commission noted the present age limit applicable to candidates for the Indian Police Service are 20-24 years and for candidates to other non-technical higher Services, the age limits are 21-24 years. According to the A.R.C. the upper age limit operates harshly when applied to persons who might have undertaken a course of research after completing their Degree or who might have pursued special studies in the fields of Engineering, Medicine, etc. Accordingly, in order to enable such persons to compete at these examinations, the upper age limit for all candidates may, in the opinion of the A.R.C., be raised 26 years. The exact recommendation of the A.R.C., *viz* Recommendation No. 14(1) is reproduced below:

> "the upper age limit for entrants to the competitive examinations may be raised to 26 years"

This Recommendation is also under consideration.

Recovery of Smoke Grenades in Red Fort, Delhi

2458. SHRI K. M. MADHUKAR : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether recently two Smoke Grenades were found in the Red Fort in Delhi on Sunday evening of the 7th November, 1971;

(b) whether the ball like Grenades, two inches in diameter, with fuses were lying in a grassy path; and

(c) if so, the action taken by Government in the matter ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : (a) Yes, Sir.

(b) Yes, Sir.

(c) Both the grenades so recovered were handed over to the Military authority. They are looking into the circumstances under which these grenades found their way out from Military hands.

Alleged Firing by Anti-Social Elements

2459. SHRI MOHAMMED ISMAIL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether there were daily firing from Vikramgarh C.R.P. camp Rajendranagar and other Colonies by anti-social elements from the 6th to 15th October, 1971;

(b) if so, whether any measures have been taken by Government to protect the unarmed inhabitants of the Rajendranagar and adjacent Colonies; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). Facts are being ascertained from the State Government and will be placed on the Table of the House on receipt.

Burning of houses by anti-social elements in two colonies of Dakhindari, Dum Dum (West Bengal)

2460. SHRI MOHAMMAD ISMAIL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether a number of houses of poor people residing in Nehru and Shastri Colonies of Dakhindari, Dum Dum (West

Bengal) had been burnt down by some anti-social elements ;

(b) if so, the total number of houses burnt down and that of the people affected by this ; and

(c) whether Government have instituted any enquiry into this incident and punished the offenders and the steps, if any, taken to rebuild these houses ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F.H. MOHSIN) : (a) to (c). According to the information received from the Government of West Bengal, on the 13th October, 1971 some miscreants set on fire a number of huts in Nehru Colony Bustee and Shastri Colony Bustee at Dakshindari, Dum-Dum. A police party rushed to the spot immediately. It was subjected to heavy barrage of brickbatting, cracker throwing and occasional bursts from pipeguns. The police opened fire in self defence. When the mob dispersed the police captured 6 miscreants with kerosene oil tins, swords, lathis, stolen utensils, etc. The fire was extinguished by fire brigade. As, however, most of the huts were built of thatch and bamboo-matting, the fire quickly destroyed 40 huts in the above two Bustees. An old woman was also burnt to death. A case has been registered in Dum Dum P. S. and investigations are in progress. Further information is being collected from the State Government.

Offer from Foreign Countries for setting up Industries in India with local collaboration

2461. SHRI NAWAL KISHORE SHARMA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether some foreign countries have approached Government for setting up their plants in India with local collaboration ;

(b) the names of the countries which have offered themselves ;

(c) whether Government have sent delegations to those countries to discuss the various points on this issue ; and

(d) if so, the outcome thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) and (b). The Government has been receiving from time to time, proposals from Indian parties for collaboration with foreign industrialists for setting industries in India. Besides this, some parties from the industrially advanced countries have also shown interest in transferring their industrial plants to India in order to set up export-oriented and labour intensive industries. All such requests are considered on merits in consonance with the existing policies of Government with regard to foreign collaboration, foreign investment and import of capital goods in export-oriented and other industries. Two such proposals, one from U. K. and the other from West Germany, have already been agreed to by the Government.

(c) No, Sir.

(d) Does not arise.

Shortfall in Production of Tractors

2463. SHRI SAT PAL KAPUR : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the production of tractors during April-September, 1971 is around 7,000 numbers against 10,500 numbers for the corresponding period of 1970 ;

(b) whether the shortfall in production is due to the non-availability of com-

ponents which are available at a premium ; and

(c) what action Government propose to take in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) The production of agricultural tractors during April-September, 1971 was 7,361 nos. as against 10,472 nos. for the corresponding period of 1970.

(b) and (c). The shortfall in production is due to the following reasons and not due to non-availability of components :—

(i) M/s. Hindustan Tractors Ltd., Baroda, who manufactured 879 tractors during April-September, 1970, made only 117 tractors during the corresponding period of 1971, owing to financial difficulties.

(ii) M/s. Escorts Ltd., Faridabad, who manufactured 5450 tractors during April-September, 1970, made only 1716 tractors during the corresponding period of 1971, as they had cut down production.

The reduction in production is due to decline in offtake, which, the manufacturers claim, is due to the physical arrival of a large number of imported tractors.

The other three manufacturers had manufactured more tractors during April-September, 1971 than what they produced during the corresponding period of 1970.

Closure of Hindustan Tractors Ltd.

2464. SHRI SAT PAL KAPUR : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether M/s. Hindustan Tractors Ltd., has closed down since early this year ;

(b) whether it is due to the fact that no imports were routed through this unit and that other units would also be closed down, if the imports had not been routed through them ; and

(c) the number of tractors manufactured in each unit from October; 1970 and the number of imported tractors assembled by each unit during the same period ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) The factory has not been closed down, but the production has come practically to a stand-still since the beginning of this year.

(b) : No, Sir. This unit was also granted licences to import tractors for assembling, but it has not utilised the licences. The other units would not have closed down even if they had not been permitted imports.

(c) : The number of tractors manufactured and assembled by each unit since October, 1970 is as under :—

	Name of the firm	No. of tractors manufactured under regular mfg. programme.	No. of imported tractors assembled.
1.	M/s. Tractors & Farm Equipment Ltd., Madras.	4,015	1,012
2.	M/s. International Tractor Co. of India Ltd., Bombay.	7,473	198
3.	M/s. Escorts Ltd., Faridabad.	5,298	4,453
4.	M/s. Eicher Tractors India Ltd., Faridabad.	998	Nil
5.	M/s. Hindustan Tractors Ltd., Baroda. 50 HP	195	Nil
	35 HP	253	Nil
6.	M/s. Escorts Tractors Ltd., Faridabad.	615	198

Hindustan Teleprinters Limited, Madras

2465. SHRI D. B. CHANDRA GOWDA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the production target of the Hindustan Teleprinters Limited, Madras for the years 1970-71 ;

(b) the value of sales during the same year ;

(c) the value of orders received from the overseas market ;

(d) the net profit earned by the Company during the above period ; and

(e) the rate of dividend declared for the said period ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) The production target of the Hindustan Teleprinters Ltd., Madras for the year 1970-71 was 5,500 units of fully - assembled machines and Rs. 40 lakhs worth of spares.

(b) Rs. 345.49 lakhs.

(c) Rs. 6. 53 lakhs.

(d) Rs. 52.36 lakhs after providing for taxes and Development Rebate Reserve.

(e) 12½% on the paid up capital.

Monitoring Stations Lacking Mobile Direction Finding Facility

2466. SHRI D. B. CHANDRA GOWDA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether various Monitoring Stations in the country are not equipped with mobile direction finding facility ;

(b) if so, the reasons therefor ; and

(c) when the same would be provided at each Station ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) to (c). Five of the eleven monitoring stations are equipped with mobile direction finding facility. The question of provision of mobile direction finding facility at the remaining stations is under consideration and these stations are likely to be provided with these facilities by the end of the next financial year subject to availability of foreign exchange.

Development of Monitoring Equipment

2467. SHRI D. B. CHANDRA GOWDA : Will the PRIME MINISTER be pleased to state :

(a) whether the monitoring equipment is being developed locally or it is imported from foreign country ; and

(b) the steps being taken to develop the electronic monitoring equipment in India ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) Monitoring equipment for use in a variety of fields is being developed in the country. However, for certain specific applications of a highly sophisticated and immediate nature, items of equipment are being imported.

(b) Development of various types of specialised electronic equipment including radio monitoring equipment is already in progress. The Electronics Commission recently set up by Government with wide powers, is fully seized of the matter and is making comprehensive studies for achieving rapid progress in this field. Production

of more and more components needed for such sophisticated equipment is being set up in the country.

Production at New Transmission Factory, Naini

2468. SHRI D. B. CHANDRA GOWDA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the new Transmission factory, Naini of the Indian Telephone Industries Ltd. has started production ;

(b) the nature of products being undertaken at the new factory ; and

(c) the total cost to be incurred and the amount spent so far on the new unit ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) Production at the new Transmission Equipment factory at Naini has started with assembly of components obtained from the Bangalore factory of the Indian Telephone Industries Ltd.

(b) Long distance transmission equipment for telecommunication systems.

(c) The estimated total capital cost of the Naini Transmissions Equipment factory is Rs. 258.60 lakhs. The amount spent on this factory upto the end of September, 1971 was Rs. 56.24 lakhs.

Multi-Media Publicity to Discourage Smoking

2469. SHRI DHARAMRAO AFZALPURKAR : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there is any proposal under Government's consideration to undertake a multi-media publicity campaign to discourage smoking on account of the health hazard it effects ; and

(b) if so, the main features thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA) : (a) This Ministry has no such proposal under consideration at present.

(b) Does not arise.

Setting up of a Factory in Mysore for Manufacturing Piston Rings

2470. SHRI DHARAMRAO AFZALPURKAR : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government propose to establish a factory in the State of Mysore to manfacture piston rings and a few other items ; and

(b) if so, the salient features thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) No, Sir.

(b) Does not arise.

Demand for Nuclear Station in Punjab

2471. SHRI B. S. BHAURA : Will the Minister of ATOMIC ENERGY be pleased to state :

(a) whether the Punjab Government have informed the Centre that the Green Revolution and industrialisation in the State would very soon reach a dead end unless immediate steps are taken to establish there a nuclear station to generate 1000 MWS of electricity ; and

(b) if so, whether the Centre is taking any steps to set up a nuclear power station in the State ?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI): (a) The Punjab Government has requested for the establishment of an atomic power station in the Punjab to overcome the acute power shortage.

(b) A site selection committee of technical experts was set up in September 1970 to examine suitable sites in the Northern, Western and Southern regions for the establishment of new atomic power stations. The report of the committee is awaited. The question of location of future atomic power stations can be decided only after the report of the committee is received and considered by the Government.

Proposals for setting up of Industries in Kerala

2472. SHRI B. S. BHAURA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have received proposals from the Government of Kerala for the setting up of big industrial undertakings such as, Glass bolting Unit, Scooter Factory, Pesticides manufacturing unit, and factories for Watches and Optical Glass during the Fourth Plan period;

(b) if so, the main features thereof; and

(c) the decision taken thereon ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). Recently the Government of Kerala undertook a study for evolving measures to meet the unemployment situation in the State. In this connection, the State Government propose setting up of industries such as glass bottle unit, scooter factory, watches, chemicals, electronic components, power-loom units etc. These proposals together with other proposals of the State Government for increasing employment opportunities in the State are under examination in the Planning Commission.

Setting up of TV Unit in Kerala

2473. SHRI B. S. BHAURA : Will the PRIME MINISTER be pleased to state :

(a) whether Government have received any proposal from the Government of Kerala for the setting up of a T.V. Unit in that State during the Fourth Plan period;

(b) if so, the main features thereof; and

(c) the decision taken thereon ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). The Question is not clear as to whether it refers to the setting up of a TV Transmission Station or a TV set Manufacturing Unit.

In regard to the setting up of a TV set Manufacturing Unit in Kerala, the application received from the Kerala State Industrial Development Corporation Ltd., for the manufacture of 1,00,000 TV sets per year along with other applications, is under consideration of the Government. The application envisages production of TV sets priced between Rs. 1,000 and Rs. 1,200.

As regards the proposal for the setting up of a TV Tranamission station in Kerala State, on a reference from the State Government they have been informed that it is not feasible to set up such a station during the Fourth Five Year Plan period because of limited resources.

Charges Against Punjab I.G. of Police

2474. SHRI B. S. BHAURA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether a demand has been made by an Ex-MLA and others from Punjab to replace the present Inspector General of Police who has not been able to check murders in the recent past; and

(b) if so, whether any enquiry is being made into the allegations against the said Inspector-General of Police ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : A demand has been made by an ex-MLA and two M. Ps. for removal of the present incumbent from the post of Inspector General of Police, Punjab. It is, however, not correct to say that murders have gone unchecked in the State in the recent past.

(b) Does not arise.

Alleged Beating of Students of Government College, Muktsar (Punjab)

2475. SHRI B. S. BHAURA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether a Central Officer was sent to hold on the spot enquiry into the brutal beating and torture of students of the Government College, Muktsar (Punjab) in August last; and

(b) if so, the facts of the incident and the action taken in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : (a) and (b). Since after the magisterial inquiry into the incidents, demand for a further inquiry persisted, the Government of Punjab obtained the services of Shri M. Gopal Menon, Additional Secretary in the Ministry of Home Affairs to hold an inquiry. When Shri Menon was to start the inquiry it was brought to his notice that a criminal case in connection with the incident was subjudice. In view of this he felt that his holding the inquiry would not be proper. The inquiry was accordingly, postponed. The Government of Punjab have now been requested to examine whether the inquiry by Shri Menon can be resumed by so altering the terms that there is no risk of causing prejudice to the proceeding in the court.

Promotions in Central Information Service

2477. SHRI SHYAMNANDAN MISHRA :
SHRI BISHWANATH JHUNJHUNWALA :

Will the Minister of INFORMATION & BROADCASTING be pleased to state :

(a) whether any inquiry has been initiated into some of the recent promotions in Central Information Service; and

(b) if so, the irregularities brought to light ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA) : (a) and (b). While examining representations received from some

officers recently considered by the Departmental Promotion Committee for the Junior Administrative Grade (Junior Scale) of the Central Information Service it was observed that there was a procedural defect in reviewing/counter signing the confidential reports of certain officers. These facts have been brought to the notice of the Union Public Service Commission whose advice in the matter is awaited. No enquiry has been initiated, nor do Government feel the need for any such enquiry.

Persons Deported from Eastern States to Pakistan on Charges of Espionage

2478. SHRI BIRENDER SINGH RAO: Will the Minister of HOME AFFAIRS be pleased to state :

(a) the total number of persons deported from Assam, West Bengal and other Eastern States to Pakistan during the last three years on charges of espionage; and

(b) the total number of such persons who have been arrested from 1st March, 1971 to 15th November, 1971 after the illegal entry into India and the action being taken against them ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) and (b). One person from Assam and 7 from Meghalaya, arrested on suspicion of being Pak spies were deported to Pakistan, during the last 3 years. None of them were found to have re-entered during the period from 1st March to 15th November, 1971.

No person was deported from Bihar, Manipur and Nagaland.

Information in respect of West Bengal and NEFA is awaited and will be laid on the Table of the House.

भारत में प्रदर्शित अपराध वृत्ति को बढ़ाने वाली विदेशी फिल्मों का प्रभाव

2479. श्री हरी सिंह : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जनवरी, 1970 से नवम्बर, 1971 तक के समय में भारत में प्रदर्शित की जाने वाली विदेशी फिल्मों में से 95 प्रतिशत फिल्में अपराध वृत्ति को बढ़ावा देने वाली थीं; और

(ख) यदि हां, तो उक्त फिल्मों से देश की जनता पर कुप्रभाव पड़ने के बारे में सरकार का क्या विचार है ?

सूचना और प्रसारण मंत्रालय में उप मंत्री (श्री धर्मवीर सिंह) : (क) जी, नहीं ।

(ख) प्रश्न नहीं उठता ।

Overstay of Pak. Nationals excluding Pak. Infiltrators in India

2480. SHRI HARI SINGH :

SHRI M. RAM GOPAL REDDY :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of Pakistani nationals excluding Pakistani infiltrators overstaying in India without Government's permission; and

(b) the steps taken by Government to send them back ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) 7,978 as on

30th June, 1971. This figure does not include information in respect of Jammu & Kashmir, Punjab, West Bengal and Nagaland, which is being collected and will be laid on the Table of the House.

(b) Action including prosecution and deportation, as may be appropriate, is taken according to the law relating to foreigners. Look-out notices are issued in respect of those who go underground and efforts are made to trace and deal with them according to law.

टेलीविजन कर्मचारियों के लिये विशेष विदेशी प्रशिक्षण

2481. **श्री हरी सिंह :** क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वर्ष 1970-71 के दौरान टेलीविजन विभाग ने अपने कुछ कर्मचारियों को टेलीविजन के विशेष प्रशिक्षण के लिए अमरीका और इंग्लैंड भेजा था; और

(ख) यदि हां, तो उनके नाम क्या हैं तथा उक्त प्रशिक्षण के लिए जाने से पहले उनके ओहदे क्या थे ?

सूचना और प्रसारण मंत्रालय में राज्य मंत्री (श्रीमती नन्दिनी सतपथी) : (क) और (ख). 1970-71 में आकाशवाणी के निम्नलिखित 6 अधिकारी टेलीविजन प्रशिक्षण के लिए इंग्लैंड भेजे गए थे। अमरीका में कोई अधिकारी नहीं भेजा गया :

क्रम संख्या	नाम	प्रशिक्षण के लिए भेजे जाने से पहले ओहदे
1.	श्रीमती सुधा चोपड़ा	प्रोडक्शन सहायक, दिल्ली टेलीविजन केन्द्र
2.	श्री एस० सी० पराशर	निदेशक, श्रोता अनुसंधान, आकाशवाणी
3.	डा० जी० एस० गुंथे	अनुवादक व समाचार वाचक, आकाशवाणी
4.	श्री पी० सी० जेम्स	सहायक इंजीनियर, दिल्ली टेलीविजन केन्द्र
5.	श्री एस० एन० साधु	विस्तार अधिकारी, रेडियो काश्मीर, श्रीनगर
6.	कुमारी सुनीत वीर सिंह	प्रोड्यूसर, वैदेशिक सेवा प्रभाग, आकाशवाणी

Actions on recommendations of Morarka Committee *re.* D. M. C. and N. D. M. C.

2482. SHRI G. Y. KRISHNAN : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have examined the recommendations made by the Morarka Committee regarding the financial assistance to the Delhi Municipal Corporation and the New Delhi Municipal Committee and the conversion of their existing loans into a consolidated loan; and

(b) if so, the decisions taken thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): (a) The recommendations of the Morarka Commission are still under examination.

(b) Does not arise.

Pension to freedom fighters

2483. SHRI SAMAR GUHA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether in reply to a question during the last Budget Session the Home Minister assured the House that the question of giving pension to freedom fighters who had been in jail for over five years is under active consideration of Government;

(b) whether the Prime Minister in course of speech on Home Affairs budget debate also repeated such assurance ;

(c) if so, whether Government have drawn up a scheme for giving pension to freedom fighters; and

(d) if so, when the said scheme will be finally adopted ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) Yes, Sir.

(b) While replying to the Budget debate, the Prime Minister stated that all that was needed to be done to revolutionaries had not been done and that the Government were looking into it.

(c) and (d). The matter is under the active consideration of the Government and a decision will be taken shortly.

Shortage of pulp in Gwalior Rayon Factory, Nagda

2484. SHRI BANAMALI PATNAIK : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Gwalior Rayon Factory, Nagda is faced with an acute shortage of pulp;

(b) whether the management of Nagda Factory has appealed to the Union Government to allow the import of the pulp to restore production in view of the strike and lock-out in the subsidiary of the factory in Kerala manufacturing the pulp; and

(c) if so, the decision taken in the matter and the steps taken to resolve the strike and lock-out in the subsidiary of the Factory in Kerala ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (c). The staple fibre manufacturing unit of M/s. Gwalior Rayon Silk Mfg. (Wvg.) Co., Ltd., Nagda draws its wood pulp requirement from their factory in Kerala. As there was lock-out in the Kerala factory during August—November, the Nagda unit was faced with shortage of wood pulp. They have applied for import of pulp to meet the shortage.

Meanwhile the lock-out in their Kerala factory has been lifted and it is expected that normalcy will be restored.

Censure of 'Mother India' Editor

2485. SHRI C. JANARDHANAN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether the Press Council of India has censured the editor of 'Mother India'; and

(b) if so, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA) : (a) and (b). Yes, Sir. While censuring the editor, the Press Council have observed as follows :—

> "This is not the first occasion on which the editor of 'Mother India' has come up before the Council, and, in view of the persistent manner in which he has been indulging in communal propaganda, the Council feels that nothing short of censure would meet the needs of the situation."

Match-Box Factory in Bahraich (U. P.)

2486. SHRI B. R. SHUKLA : Will the Minister Of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether raw materials are available in the forest of District of Bahraich and other neighbouring districts in Uttar Pradesh for the manufacture of match-boxes;

(b) whether a match-box factory is being run by the Nepal Government just on the boarder of the District of Bahraich and those match-boxes are available at a very cheap rate in the neighbouring districts; and

(c) whether Government propose to set up a factory for the manufacture of match-boxes in Bahraich ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). The information is being collected and will be laid on the Table of the House.

Irregular P. and T. Services in Tripura

2487. SHRI BIREN DUTTA : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether the attention of Government has been drawn to the irregular Post and Telegraph Services in Tripura causing a lot of inconvenience and hardships to all sections of the people; and

(b) if so, the steps contemplated in this regard ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) No. Instances of interruption of postal and telecommunication services in Tripura however do occur; the former due to cancellation of air services, and the latter, due to frequent copper wire thefts and irregular power supply to the repeater stations and telephone exchanges.

(b) Following steps are contemplated in this connection :

(i) Replacement of copper wire by aluminium wire or copper-weld wire.

(ii) Arranging direct feeder lines to feed power to repeater stations and telephone exchanges.

(iii) Provision of suitable voltage regulators to overcome variations in supply of voltage.

(iv) Installation of filters to overcome the effect of induction on power wires.

Agitation by Akalis on Control of Delhi Gurdwaras

2488. SHRI VIJAY PAL SINGH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Sant Group Akalis have conducted an agitation in Delhi on the question of the control of Gurdwaras in Delhi;

(b) if so, the facts thereof; and

(c) whether the matter has since been settled?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) to (c). Akali Dal (Sant Group) has launched an agitation against the alleged interference in the management of Gurdwaras in Delhi. The facts are that the Delhi Sikh Gurdwara (Management) Act, 1971 had to be passed to deal with the vacuum resulting from a decision of the Delhi High Court. Government have repeatedly assured that this Act would be replaced by an appropriate law which will provide for the management of the Gurdwaras by the representatives of the Sikh community. A draft Bill prepared by the Delhi Sikh Gurdwara Board after consulting the leaders of the Sikh community in Delhi is under consideration. It will be seen therefore that the agitation has been launched for a cause with respect to which Government have given repeated and adequate assurances and started the necessary action.

Central Assistance to States for 1971-72

2489. SHRI JYOTIRMOY BOSU : Will the Minister of PLANNING be pleased to refer to the reply given to Unstarred Question No. 2285 on the 16th June 1971 regarding Central assistance to States and state :

(a) the reasons for giving Central assistance for 1971-72 to some of the States, far less than what they had actually asked for; and

(b) the reasons for allocating more assistance to other States than what they had actually asked for; and

(c) the basis of allocation of the Central assistance for each State during 1971-72 ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) to (c). For the entire Fourth Plan period an amount of Rs. 3500 crores has been fixed as the Central assistance for all the States other than Himachal Pradesh for which provision has been made under Union Territories. An amount of Rs. 700 crores, representing 1/5th of the total Central assistance has been allocated during 1970-71 among the various States, strictly in proportion to the total Central assistance that each such State will receive during the entire Plan Period in accordance with the formula approved by the National Development Council. Central assistance is not allocated to States on the basis of their requests; the question of some States having received more and others having received less than the amount of assistance which they asked for, does not therefore arise.

Action against Government Employees making Representations through Members of Parliament

2490. SHRI S. M. BANERJEE: Will the PRIME MINISTER be pleased to state:

(a) whether Government employees are penalised for making any representation through the Members of Parliament;

(b) if so, whether a Member of Parliament has no right to represent the case of a Government employee who is also a voter in his constituency; and

(c) whether copies of the relevant rules under which disciplinary action is taken against the Government employees will be laid on the Table of the House?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) to (c). Rule 20 of the Central Civil Services (Conduct) Rules, 1964 lays down that no Government servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. A similar provision exists in Rule 18 of the All India Services (Conduct) Rules, 1968 in respect of officers belonging to the All India Services. A statement containing copies of these rules is attached. In view of these rules, normally a Government servant approaching a Member of Parliament for sponsoring his individual case runs the risk of disciplinary action.

Statement

Copy of Rule 20 of Central Civil Services (Conduct) Rules, 1964

20. *Canvassing of Non-Official or other Influence.*—No Government servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

Copy of Rule 18 of The All India Service (Conduct) Rules, 1968

18. *Canvassing*—No member of the Service shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

Song and Drama Division Artistes Threatened with Termination of Contract

2491. SHRI S. M. BANERJEE: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether some of the artistes of the Song and Drama Division have been threatened with termination of their contract;

(b) if so, the reasons for the same;

(c) whether the office-bearers of the Song & Drama Division Employees' Association have approached the Minister in this regard ; and

(d) if so, his reaction thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA): (a) No, Sir. No artiste has been threatened with termination of contract, but contracts of three artistes at Poona were terminated in February, 1971.

(b) Do not arise.

(c) and (d). Yes, in regard to the case referred to in (a) above. The matter is under consideration.

Setting up of Apex Bodies in States for Technology

2492. SHRI K. BALATHANDAYUTHAN: Will the Minister of SCIENCE AND TECHNOLOGY be pleased to state:

(a) whether the Central Government have proposed to States to set up an apex body for science and Technology under the Chief Ministers; and

(b) if so, their composition and functions?

THE MINISTER OF PLANNING AND MINISTER OF DEPARTMENT OF SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): (a) and (b). Yes, Sir. The States' Chief Ministers were requested on September 18, 1971 to set up, in their respective States, an apex body for scientific and technological policy under the Chief Minister on the lines of the National Committee on Science and Technology. As regards composition of the body, it is entirely within the competence of State Governments to constitute them in the manner they wish to. But the Central Government would hope to see on these bodies Scientists representing a wide spectrum of scientific disciplines of particular relevance to development plans within the State Sector like Medicine, Agriculture, Public Works, Irrigation as well as Universities, Technical Colleges. If any State Government so wishes, the Central Government would be glad to consider asking scientists and Engineers working in Central Government Laboratories to cooperate fully with the work of these Committees either as members or consultants.

Underground Nuclear Tests for Nuclear Engineering

2493. SHRI SAMAR GUHA: Will the Minister of ATOMIC ENERGY be pleased to state:

(a) whether in recent months Russia, U. S. A. and France have undertaken a number of underground nuclear explosion tests;

(b) if so, the nature and explosive capacities of such nuclear tests;

(c) whether India also proposes to undertake underground nuclear tests for nuclear engineering purposes; and

(d) if so, the steps taken or proposed to be taken in the direction of developing capability for nuclear engineering in India?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI): (a) and (b). A statement showing the underground nuclear tests uudertaken by USSR and USA during the period June 1, 1971 to November 6, 1971 is attached. France has not conducted any underground test during this period.

(c) and (d). The Atomic Energy Commission is studying situations under which peaceful nuclear explosions carried out underground can be of economic benefit to India and keeps itself fully abreast of all developments in this field.

STATEMENT

List showing details of Uudergrouud Nuclear Explosions conducted by USSR since June 1, 1971.

Sl. No.	Date	Name of the test area	Approximate yield range
1	6.6.1971	Semipalatinsk	20 to 40 Kilotons of TNT equivalent
2	19.6.1971	-do-	-do- -do-
3	30.6.1971	-do-	-do- -do-
4	10.7.1971	Ural Mountains	15 to 30 -do-
5	19.9·1971	-do-	10 to 20 -do-
6	27.9.1971	Novaya Zemlya	500 to 1000 -do-
7	4.10.1971	Ural Mountains	20 to 30 -do-
8	9.10.1971	Semipalatinsk	20 to 40 -do-
9	21.10.1971	-do-	30 to 50 -do-
10	22.10.1971	Ural Mountaints	20 to 30 -do-

List showing details of Underground Nuclear Explosions conducted by USA since Jnue 1, 1971.

Sl. No.	Date	Name of the test area	Approximate yield range
1.	16.6.1971	Southern Nevada	10 to 20 Kilotones of TNT equivalent
2,	23.6.1971	-do-	-do- -do-
3.	24.6.1971	-do-	15 to 30 -do-
4.	8.7.1971	-do-	20 to 40 -do-
5.	18.8.1971	-do-	-do- -do-
6.	6.11.71	Amchitka Island	5 Megatons of TNT Equivalent

Industrial Policy for Delhi

2494. SHRI H. K. L. BHAGAT : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the precise plans for industrial development formulated by Government for Delhi and the steps taken for the implementation of the same; and

(b) whether industries in Delhi were shifting to neighbouring States, because the present policy of Government in Delhi was not congenial to the growth and development of industries ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) The following are the plan schemes under 4th Five Year Plan 1969-74 for the development of Village and Small Scale Industries in Delhi.

I. Handloom Industries :

(a) Rebate & loans to Weavers Cooperative Societies

It is a continuing scheme and under which rebate on the sale of handloom fabrics manufactured by the handloom

cooperative societies is allowed through Sale Emporia and Loans to weavers co-operative societies are also advanced for improved tools.

(b) Weavers Colony :

It is proposed to set up a Weavers Colony under which working sheds shall be provided to the weavers. Cost of the land has already been paid to the DDA and the lay out plan after approval, has been entrusted to the C.P.W.D. for execution of work.

II. Small Scale Industries

(a) Block Loans

It is a continuing scheme and under it loans upto a maximum amount of Rs. 50,000 is advanced to small scale units for the development of their industries.

(b) Loans assistance to shifting of industries :

It is also a continuing scheme under which loan is advanced to the small scale units for purchase of land and the construction of building to enable them to shift their industries from non-conforming areas to conforming areas.

(c) Common Facility Centres for Electronic Industries :

Under this scheme, a common facility centre for Electronic Industries has already been established which facilitates the testing operations for the benefit of small scale electronic industries who are unable to have laboratories of their own.

(d) Common Facility Centre for Sports goods Industries :

Under this scheme, common facility centre has been set up to assist the sports industries which is mainly labour-oriented and has export potential. The centre helps them in having a proper idea of technical know-how and also enables them to make use of the costly equipment for production of quality goods.

(e) Leather goods industries :

Under this scheme, it is proposed to set up a Common Facility Centre for the convenience of the small scale units engaged in the production of leather goods, but the scheme could not be implemented because of non-availability of land, which is now being made available. On allotment of land, the scheme will be implemented.

(f) Quality Marking scheme for Household Electrical appliances :

Under this scheme, the small scale units engaged in the production of electrical domestic appliances are to be given assistance in the form of providing testing facilities for their quality production items. It will be a voluntary scheme to begin with.

(g) Setting up of the Small Industries Development Corporation :

This Corporation has already been set up and this will handle the raw materials for providing assistance to the export of their products.

(h) Export Promotion Cell

It is proposed to set up a cell for rendering useful guidance and assistance to the small scale units in their export drive.

(i) Assistance to Unemployed Engineers for setting up their own small scale industries :

This scheme has been set up to render assistance to technically qualified persons for setting up their own small scale units but it would not be implemented because of the financial difficulties being experienced by the Engineers in payment of the price of land being charged by the

D. D. A. at the commercial rate. However, it is understood that the D. D. A. had approached the Government of India for allowing them to charge reserved price for land from the Engineers.

(f) *Potter Colony*:

Under this scheme potters are to be shifted to Nangloi, J. J. colony from various parts of Delhi by the D. D. A. and the Director of Industries will start a common facility centre over there for providing facilities and assistance to potters. Subsequent to the shifting of potters, sheds will be constructed for the potters.

III. Industrial Estate

(a) *Badli & other rural Industrial Estates* :

Under this scheme, 7 sheds after construction have been allotted to small scale units and 144 plots have been developed and allotted to small scale units. 95 plots are under development and will soon be allotted to the industrial units for which the applications are already under process.

(b) *Functional Industrial Estate for plastic, Electronic and Electrical goods* :

Under this scheme, it is proposed to construct Functional Industrial Estate for plastic, Electronic and Electrical Goods but a head-way could not be made because of non-availability of land, which is now being made available. On allotment of land, the scheme will be implemented.

(c) *Flatted factories*

Under this scheme also, it is proposed to construct Flatted Factories in the shape of work-sheds for artisans engaged in the manufacture of various leather articles. The land for the scheme is yet to be allotted by the D. D. A.

(d) *Cooperative Industrial Estate*:

Under this scheme, the Delhi Administration proposed to financially assist the Cooperative Industrial Estate for setting up of the units. This scheme also could not make head-way because of the non-actual transfer of land to the cooperative industrial societies.

IV. Handicrafts :

Under the head of the handicrafts, the following is being done :

(a) To organise training of craftsmen under Master Craftsmen.

(b) Setting up of common facility centre for Metal Ware, Art Jewellery etc.

(c) Supply of improved tools and machines to craftsmen at subsidized rates.

(d) Allow rebate on the sale of handicrafts goods.

(e) Organise handicrafts exhibition under this scheme.

(b). No registered unit either in large-scale or in small scale has so far been shifted from Delhi, during the last few years.

Strengthening of Delhi Police

2495. SHRI H.K.L. BHAGAT : Will the Minister of HOME AFFAIRS be pleased to state :—

(a) whether Government have any plan to augment the strength of the police personnel in various cadres in Delhi ;

(b) if so, the salient features of the plan and when it is likely to be implemented ; and

(c) the steps Government propose to take to equip the police force in Delhi for better discharge of their responsibilities?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI P.H. MOHSIN) (a) : Yes Sir.

(b) The Delhi Police Commission 1966-68 examined in detail the structure and working of the Delhi Police, and on the basis of their recommendations the staff of the Delhi Police has been increased over the last three years. The statement attached shows the addition to the staff. Some proposals are still under examination and they relate to additional battalions of armed police, reorganisation of Shahdara Sub-Division wireless staff, police station at Palam Airport and mobile patrols. No. firm date can yet be given regarding a decision on these proposals.

(c) On the basis of the recommendations of the Delhi Police commission a large number of vehicles both small and medium have been added, wireless stations established at strategic places, the Central Control Room modernised, training facilities created in Delhi and a Forensic Science Laboratory has been set up in Delhi. Further requirements of equipment of the Delhi Police will be examined as and when the necessity arises.

Statement

Post	Strength As On October 1968	Strength As On October 1971
Inspector General of Police	1	
Deputy Inspector General of Police	3	3
Superintendents of Police	21	24
Assistant Superintendents of Police/Deputy Superintendent of Police.	53	82
Inspectors	159	257
Sub-Inspectors	892	1392
Asstt. Sub-Inspectors	736	1146
Head Constables	2761	3082
Constables	11033	11495
Stenographers	24	37
Short-hand Reporters	—	4
Internal Auditors	1	2
Lower Division Clerks	4	5
Steno-typists	1	4
Draftsman	1	1
Senior Psychologist	—	1
Educational Adviser	—	1
Educational Assistant	—	1
Financial Adviser	—	1
Assistant Information Officer	—	1
Special Officer (II)	—	3
Teachers	—	—
	15,695	17,543

Propagation of Secessionist Ideas by Various Groups and Political Parties

2496. SHRI H.K.L. BHAGAT :
SHRI ARJUN SETHI :
SHRI P.K. DEO :

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether some groups and political parties are propagating secessionist ideas prejudicial to the interests of the country ; and

(b) If so, what steps are being taken by Government to meet the same ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K.C. PANT) (a) : and (b). Government keep close watch on the activities of associations propagating demands for secession of any part of the territory of India and take all necessary measures under the law to deal with such activities. At present the All Jammu and Kashmir Plebiscite Front has been declared unlawful under the Unlawful Activities (Prevention) Act, 1967.

Memorandum From Members of Parliament For a ban on Communal Organisations

2497. SHRI H.K.L. BHAGAT :
SHRI SHASHI BHUSHAN :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have received a memoraadum from Members of Parliament asking for ban on the R.S.S., Jamait-e-Islami and other communal organisations; and

(b) if so, what action Government propose to take in regard to the same ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMEMT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) Such a memorandum was received in July, 1971. Similar suggestions, however, have been received from time to time from Members of Parliament.

(b) There does not exist any law empowering the Government to ban the communal organisations. The Criminal Law (Second Amendment) Bill, 1970, seeking to deal with the activities of communal organisations, had to be withdrawn at the introduction stage in September, 1970, in view of the objections raised by opposition parties in the fourth Lok Sabha. Further course of action is under consideration of the Government.

Manufacture of Smaller and Cheaper T.V. Sets

2498. SHRI C. CHITTIBABU : Will the PRIME MINISTER be pleased to state :

(a) the cost of T. V. sets made by the private manufacturers ;

(b) whether there are proposals for the manufacture of smaller and cheaper sets ; and

(c) if so, the main features thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) T.V. sets of 24"/23" and 20"/19" screen sizes are being sold at Rs. 1900 and Rs. (1575 to 1739) respectively, exclusive of excise and other taxes.

(b) and (c). The various manufacturing units are planning to manufacture smaller and cheaper sets using transistors and integrated circuits. Government is also contemplating the following steps which

are likely to result in the lowering of prices of TV sets :

(i) gradual reduction in the price of electronic components by setting up large volume production ; components by setting up large volume production : components account for a substantial portion of the cost of television sets.

(ii) encouraging the production of sets with smaller screens ; and

(iii) larger quantity production of television sets in each uuit.

Shifting of Rocket Launching Station from Thumba to Sri Harikota in Andhra Pradesh

2499. SHRI DEVINDER SINGH GARCHA: Will the Minister of ATOMIC ENERGY be pleased to state :

(a) whether there is a scheme under consideration of Government to shift Rocket Launching Station at Thumba near Trivandrum to Sri Harikota in Andhra Pradesh ; and

(b) if so, the reasons therefor ?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : (a) No, Sir.

(b) Does not arise.

A. R. C. Recommendation RE. Increase in Promotion Quota to Class I

2500. SHRI DEVINDER SINGH GARCHA : Will the PRIME MINISTER be pleased to state :

(a) whether the Administrative Reforms Commission in its report on the 'Personnel Administration' has recommended the increase in promotion quota to Class I;

(b) if so, whether the recommendation has since been implemented ; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PRESON NEL (SHRI RAM NIWAS MIRDHA): (a) to (c). The Administrative Reforms Commission in its Report on Personnel Administration has recommended that the quota of vacancies in Class I to be filled by promotion may be increased upto a maximum of 40 per cent where the existing quota falls short of that percentage. This recommendation is under consideration of the Government.

Tribals taking part in Broadcasting over A. I. R. Stations in Tribal Areas

2501. SHRI SUBODH HANSDA :
SHRI CHINTAMANI PANIGRAHI :

Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether the existing Broadcasting stations have served any specific purpose for the Tribals ;

(b) whether Tribals are given chance to take part in National talks or other educational subjects in their own dialect and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY): (a) Yes, Sir.

(b) Yes, Sir. Such opportunities are given where there are spoken word items in

the programmes for tribals, and where suitable persons to give talks are available.

(c) Does not arise.

Grant to Industrial Units in Backward Areas of Orissa.

2502. SHRI CHINTAMANI PANIGRAHI : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have decided to make available Rs. 5 crores during the current Five Year Plan for providing outright grant or subsidy to new or existing industrial units located in the selected backward areas of the country ;

(b) if so, whether the Centre has directed the Orissa Government to constitute a Committee to decide such units ; and

(c) whether the Orissa Government have sent those proposals by now ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) According to the scheme announced by the Central Government, a Central subsidy amounting to 1/10th of the fixed capital is available, subject to certain conditions, to new industrial units, or for substantial expansion, to be set up in certain selected districts/areas. To meet the expenditure under this scheme as well as that under the transport subsidy scheme, a provision of Rs. 5 crores has been made in the Fourth Five Year Plan peroid,

(b) Yes, Sir.

(c) Not yet, Sir.

Manufacture of Scooters with Foreign Collaboration

2503. SHRI B. R. SHUKLA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government propose to seek fresh offers of collaboration from abroad for the manufacture of scooters in the public sector in addition to the proposal of ; M/s. Piaggo of Italy ; and

(b) if so, the justification therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) In addition to the proposal of M/s. Piaggo of Italy, Government has under consideration a proposal for setting up a scooter project in the joint sector in collaboration with M/s. Innocenti of Italy. There is no other proposal before the Government at the moment nor does Government propose to seek fresh offers of collaboration till final decision is taken on these proposals.

(b) Does not arise.

Collaboration with Japanese Firms in the Field of Electronics

2504. SHRI B. R. SHUKLA : Will the PRIME MINISTER be pleased to state :

(a) whether efforts have been made by Government to collaborate with the Japanese firms for development in the field of Electronics ; and

(b) if so, with what results ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : (a) and (b). In respect of items for which domestic technology is not available and foreign collaboration is permitted, units in the private sector as well as in the public sector make their own efforts to negotiate with appropriate foreign firms ; the proposals, when received, are considered by Government, on merits. Several collaborations have been entered into by

private firms with Japanese firms for manufacture of electronic items. In the public sector, Bharat Electronics Ltd., Bangalore, a public sector undertaking, has Japanese collaboration for the manufacture of various electronic items including TV Picture tubes, transmitting tubes etc.

Team of Experts for setting up of Industries in Public and Private Sectors in North Eastern Region

2505. SHRI B. R. SHUKLA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) wheter Government have decided to constitute highpowered team of experts for setting up new industries in the public as well as private sector in North-Eastern India where large and medium units are practically unknown ; and

(b) whether the problems of the eastern Uttar Pradesh, particularly the most industrially backward areas, will be looked into by these teams ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) Two separate teams, one headed by an Officer of the D.G.T.D. and another headed by the Development Commissioner, Small Scale Industries recently visited Meghalaya/Manipur and Assam/Tripara respectively to explore the possibilities of setting up various industries in these areas in the public/private sectors. Their reports in respect of Manipur, Assam and Tripura have been received.

(b) While these two teams were given the specific areas to study, the IDBI along with other central financing institutions is surveying all backward States. A survey of U. P. is being undertaken by them.

Industrialisation of Madhya Pradesh through Hydel Projects

2506. SHRI G. C. DIXIT : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the progress likely to be made in the industrialisation of Madhya Pradesh and its neighbouring States by the provision of Hydel Projects there ; and

(b) the number of persons likely to get employment as a result thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) At present, no new Hydel Projects have been sanctioned for Madhya Pradesh.

(b) Does not arise.

Setting up of Industries in Joint Sector

2507. SHRI S. K. DAMANI :
SHRI P. K. DEO :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) tht number of industrial units, State-wise, which have come up as joint sector ventures ;

(b) in whom their management is vesting and how the selection is made ; and

(c) if the reply to part (a) above be in the negative the reasons therefor and the steps taken by Government to encourage this idea ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). The 'joint sector' concept accepted by the Government on the

r ecommendation of the Industrial Licensing Policy Inquiry Committee envisages that in future there would be a greater degree of participation in management, particularly at policy levels, in the case of major projects involving substantial assistance from public financial institutions. These institutions would be able to exercise, in certain categories of cases, an option for converting the loans advanced by them into equity either wholly or partly within a specified period of time. The types and number of projects where the 'joint sector' concept could be applied would depend on the quantum of financial assistance that the scheme of finance of a particular project requires from public financial institutions. These cases will have to be decided by the public financial institutions in the light of the guidelines laid down by the Government. Detailed figures of such ventures are not available with the Government.

Changes Contemplated in Fourth Plan for increasing Employment and Industrial Production

2508. SHRI S. R. DAMANI : Will the Minister of PLANNING be pleased to state :

(a) whether any changes arc contemplated in the outlays or priorities of the Fourth Plan with a view to immediately increase employment and industrial production;

(b) if so, the proposed changes; and

(c) if not how will the Plan as it stands, be adopted to achieve these objectives?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) to (c). A mid-term appraisal of the Fourth Five Year Pl an is nearing completion. It has been observed that considerable emphasis has to be laid in the future on employment oriented schemes and industrial production also. There are other areas as well that call for special attention. All these are now under study and review. A clear indication of the reorientation required and the priorities involved will however be available only after the appraisal work is complete.

Setting up of Public Sector Projects in Madhya Pradesh

2509. SHRI G. C. DIXIT :
SHRI BHAGIRATH BHANWAR:

Will the Minister of PLANNING be pleased to state :

(a) whether the Government of India propose to establish any public sector projects in Madhya Pradesh during the Fourth Five Year Plan; and

(b) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) and (b). The following Central industrial projects are included in the Fourth Five Year Plan :

1. Expansion of the Bhilai Steel Project.
2. Expansion of Nepa Mill
3. Expansion of Security Paper Mill
4. Korba Aluminium Project.
5. Expansion of Heavy Electricals Limited.

A coal-based fertilizer project at Korba and a paper/pulp plant in the Dandkarnya region in M. P. are also under consideration.

Applications received from M. P. for Licences

2510. SHRI G. C. DIXIT: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the number of applications forward by the Madhya Pradesh Government to the Centre in the last three years for the issue of licences to set up new industrial units in the State;

(b) the number of applications since sanctioned; and

(c) the number of applications which have been rejected and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a). The applications for Industrial licences are normally received from the parties direct. During the period from 1st January, 1968 to 31st October, 1971, 121 applications were received for the grant of industrial licences for the establishment of new industrial undertaking in Madhya Pradesh.

(b) and (c). 4 industrial licences and 19 letters of intent have so far been issued, 28 applications were rejected and 5 withdrawn. There were three main grounds for rejection, namely, (i) there was no scope for creating additional capacity, (ii) the scheme was considered not feasible, and (iii) heavy foreign exchange was involved.

Development of Backward Area in Madhya Pradesh

2511. SHRI G. C. DIXIT: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the progress made to implement the policy of industrialising areas identified as backward or underdeveloped in the Madhya Pradesh State;

(b) whether any schemes have been formulated specially for this purpose and, if so, the main features thereof; and

(c) if not, the reasons therefor and how the promises, made to the backward areas, are going to be fulfilled?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) to (c). A scheme has been drawn up in consultation with the Planning Commission and the State Governments according to which certain districts/areas have been selected, including from Madhy Pradesh, for the grant of a Central subsidy amounting to 1/10th of the fixed capital investment in respect of new units, or substantial expansion of existing units, upto a fixed capital investment not exceeding Rs. 50 lakhs. The details of the scheme have been published in the Gazette Extraordinary dated the 26th August, 1971.

Finance at concessional rates is available from financing institutions for industries to be set up in about 200 districts designated as backward, in different part of the country, including 33 districts of Madhya Pradesh.

Government are also operating a rural industries projects programme for small industries in certain backward areas, including Madhya Pradesh.

Besides, the Government of Madhya Pradesh are giving the following subsidies/incentives to industrialists in these backward areas:

(i) Quantum of sales tax subsidy or interest free loan raised to seventy five per cent of the sales tax paid annually as against fifty

per cent in the case of developed districts.

(ii) Medium and large industries established in backward districts will be given power subsidy equal to fifteen per cent of their bill for three years whereas in developed districts quantum of power subsidy will be only five per cent.

(iii) Audyogik Vikas Nigam in carrying out techno-economic surveys of backward districts through consultants.

(iv) A Programme has been drawn up to develop additional infrastructure backward area.

उत्तराखण्ड में विकास की धीमी गति

2512. श्री नरेन्द्र सिंह बिष्ट : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तराखण्ड में विकास की धीमी गति होने के कारण उस क्षेत्र की जनता में भारी असन्तोष व्याप्त है ;

(ख) यदि हां, तो क्या सरकार का विचार उस क्षेत्र में विकास कार्यक्रमों को शीघ्र कार्यन्वित करने का है ; और

(ग) यदि नहीं, तो इसके क्या कारण हैं ?

योजना मंत्रालय में राज्य मंत्री (श्री मोहन धारिया) : (क) से (ग). उत्तर प्रदेश सरकार' जो अपने राज्य के उत्तराखण्ड क्षेत्र के विकास कार्यक्रमों के कार्यान्वयन से सम्बन्धित है, ने सूचित किया है कि इस क्षेत्र में विकास की गति संतोषप्रद है अतएव उस क्षेत्र के लोगों में किसी प्रकार का असन्तोष व्याप्त नहीं है। जैसा कि उत्तर प्रदेश सरकार ने सूचित किया है कि तीसरी योजना अवधि और उसके बाद योजना व्यय की प्रगति तथा उक्त अवधि में सड़क निर्माण और शिक्षा प्रसार के क्षेत्रों में भौतिक उपलब्धियों को दर्शाते हुए एक विवरण सभा पटल पर प्रस्तुत है।

उत्तराखण्ड क्षेत्र तथा उत्तर प्रदेश के अन्य पहाड़ी जिलों के विकास कार्यक्रमों में तेजी लाने के लिए योजना आयोग ने एक निदेशक समिति का गठन किया है जिसमें राज्य सरकार के प्रतिनिधियों को भी रखा गया है। विकास कार्यक्रमों का अच्छे ढंग से आयोजन तथा कार्यान्वयन में सुविधा प्रदान करने के उद्देश्य से यह समिति संसाधनों के सर्वेक्षण का एक कार्यक्रम बनाना चाहती है।

विवरण

उत्तराखण्ड (उत्तर प्रदेश की विकास योजनाएं)

1. व्यय की प्रगति

	कुल परिव्यय	(लाख रुपये) (व्यय)
(क) तीसरी योजना	2454	2439
(ख) 1969-67 से 1968-69	1130	983

(ग) 1969-70	350	351
(घ) 1970-71	473	473
(ङ) 1971-72	400	400

(प्रत्याशित)

2. महत्वपूर्ण क्षेत्रों में भौतिक लक्ष्यों की उपलब्धि

	1960-61	1970-71	1971-73 के लिए लक्ष्य (3 वर्ष) (अतिरिक्त)
1. सड़कें			
(क) मोटर योग्य (किलोमीटर)	394.45	18000.99	145·00
(ख) अश्वमार्ग किलोमीठर	उ०न०	3272.25	171.00
2. शिक्षा (संख्या)			
(क) प्रायमरी स्कूल	124	600	45
(ख) जूनियर हाई स्कूल	8	75	52
(ग) हाई स्कूल	4	8	8
(घ) इंटरमीडिएट कालेज	1	22	2
(ङ) स्नातक कालेज	—	3	—
(च) स्नातकोत्तर कालेज	—	1	—
(छ) नारमल स्कूल	—	3	—
(ज) बी० टी० सी० कन्या एकक	—	2	—

Strike in Indian Rare Earths Limited, Quilon

2513. **SHRIMATI BHARGAVI THANKAPPAN :** Will the Minister of ATOMIC ENERGY be pleased to state :

(a) whether employees of the Indian Rare Earths Limited, Quilon, have gone on strike with effect from the 20th October, 1971;

(b) if so, the reasons therefor; and

(c) whether the management of the said firm has violated the recruitment terms ?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI

MATI INDIRA GANDHI) : (a) and (b). Approximately 32 employees of Quilon Office of the Indian Rare Earths Ltd., out of the total complement of 54, have gone on strike from 20th October 1971, which has been held illegal by the Assistant Labour Commissioner, Ernakulam, as it is in contravention of the conciliation settlement, which is valid upto 31st March, 1973. These workers have put forward the following demands :

(i) that the management should accept certain demands in addition to the concessions already granted and accepted by the other Unions;

(ii) that the three employees who have been suspended and against whom enquiries are pending for the 'gherao' of the Chief Administrative Officer of Indian Rare Earths Ltd., Minerals Division at Quilon should be reinstated;

(iii) that employment should be provided to certain ex-employees of the erstwhile Travancore Minerals Ltd., and Hopkin & Williams (Travancore) Ltd.

(c) No, Sir. The management has been consistently following the policy of according preference to the erstwhile employees of the Travancore Minerals Ltd. and Hopkin & Williams (Travancore) Ltd., in the matter of employment, subject to the fulfilment of prescribed qualifications.

Implementation of Planned Programmes in State

2515. SHRI ROBIN KAKOTI : Will the Minister of PLANNING be pleased to state :

(a) whether some States have paid little attention to raise additional resources and are not serious in implementing the planned programmes even when the required resources are available with them;

(b) if so, the names of those States; and

(c) the names of the States which are facing severe shortage of resources and have been forced to postpone implementation of some of their very important programmes ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) and (b). While some States have so far not raised additional resources on an adequate scale, none of the States could be said to be not serious in implementing the planned programmes even when the required resources are available. The States in which additional resource mobilisation may fall short of the Plan targets are Assam, Bihar, Jammu & Kashmir, U. P. and West Bengal.

(c) No State has so far been forced to postpone implementation of approved programmes on account of severe shortage of resources.

Site for Small Car Project

2516. SHRI ROBIN KAKOTI : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether selection of site for the Small Car Project in the public sector has been finalised; and

(b) if so, the name of the place and, if not, by what time it would be finalised ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA): (a) No, Sir.

(b) It will be finalised soon after decision has been taken on model and collaborator which is expected early.

Agreement with International Atomic Energy Agency for Inspection of Nuclear Reactors at Ranapratap Sagar By Atomic Experts

2517. SHRI NARENDRA SINGH: Will the Minister of ATOMIC ENERGY be pleased to state:

(a) whether Governmenal have signed an agreement with the International Atomic Energy Agency under which India has thrown open her Nuclear Reactors at Ranapratap Sagar for inspection by a team of top Atomic experts;

(b) if so, the main features of the agreement; and

(c) whether, in view of the growing tension between India and Pakistan, Government propose to reconsider this agreement?

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI): (a) and (b). The agreement of 1963 with the Government of Canada for cooperation in the construction of the Ranapratap Sagar Atomic Power Station provides for the use of the reactor and materials produced in it exclusively for peaceful purposes as also inspection to ensure this. It visualises entering into an agreement with the International Atomic Energy Agency for implementing the safeguards provision of the agreement. A trilaetral agreement has now been signed between Canada, India and the International Atomic Energy Agency, whereby the latter will perform the visualised role. Copies of the trilateral agreement are already available in the Parliament Library.

(c) No, Sir.

भारतीय फिल्मों में चुम्बन

2518. **श्री मूलचन्द डागा :**
श्री बरके जार्ज :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या निकट भविष्य में भारतीय फिल्मों पर लगी चुम्बन सम्बन्धी पाबन्दी हटा दी जायेगी और यदि हां, तो उसके कारण क्या हैं; और

(ख) क्या पुनर्गठित केन्द्रीय फिल्म सेंसरशिप बोर्ड में ऐसे सदस्यों का बहुमत है जो चुम्बन सम्बन्धी पाबन्दी को हटाना चाहते हैं ?

सूचना और प्रसारण मंत्रालय में उप-मंत्री (श्री धर्मवीर सिंह) : (क) सरकार ने फिल्मों में 'चुम्बन' के दृश्यों के बारे में कोई विशिष्ट अनुदेश जारी नहीं किये हैं, और न ही अब ऐसा करने का कोई प्रस्ताव है।

(ख) प्रश्न नहीं उठता, क्योंकि केन्द्रीय फिल्म सेंसर बोर्ड का पुनर्गठन नहीं हुआ है।

Pending Applications for setting up of Industries

2519. SHRI P. NARASIMHA REDDY: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the number of applications for licences received State-wise, during the last three years, to set up industries in the backward areas; and

(b) the number of them sanctioned, State-wise ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA : (a) and (b). Statistical date of applications is maintained State-wise only. No such data is maintained separately in respect of backward areas. A statement showing the number of applications received during 1968, 1969, 1970 and 1971 (upto 6-11-71) for the grant of Industrial licences for the establishment of new industrial undertakings and the number of licences/ letters of intent issued during the same period in respect of the States which have been identified as industrially backward is laid on the Table of the House. [*Placed in Library See.* No. LT—1195/71]

Drain resulting from Medical Reimbursement Bills of Employees of Communications Ministry

2520. SHRI P. NARASIMHA REDDY : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether Government are aware of the continued drain involved in the Medical Reimbursement Bills of employees of his Ministry;

(b) if so, whether a probe has been made and the extent of leakage assessed; and

(c) the steps proposed to remedy the situatsion?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA): (a) The employees of Ministry of Communications are eligible to the concession of reimbursement of medical expenditure in accordance with the provisions of Central Services (Medical Attendance) Rules. The expenditure on medical reimbursement which is sanctioned in accordance with the rules cannot be considered as a "drain".

(b) and (c). The question of effecting economy in the expenditure on medical reimbursement incurred by the Govt. as a whole was considered by a Study Group set up by the Ministry of Health some time back and on the basis of the recommendations of the Study Group, certain measures have been taken by the Govt. to exercise control over the expenditure. As far as the P&T was concerned, the question was also studied by the Efficiency Bureau of the P&T Board and on the basis of the recommendations of the Efficiency Bureau, some steps have been taken which are expected to reduce the expenditure.

Setting up of a Censor Board for Telugu Films at Hyderabad

2521. SHRI P. NARASIMA REDDY: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether representations have been made for setting up a separate Censor Board for Telugu Films at Hyderabad; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA): (a) Yes, Sir. Government of Andhra Pradesh had suggested that a Regional Censor Board should be opened at Hyderabad.

(b) The number of films actully produced in Andhra Pradesh does not justify opening of a separate Regional Office of the Central Board of Film Censors at Hyderabad.

Installation of High Powered Transmitters in Forward Areas

2522. SHRI K. M. MADHUKAR: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) the number of new Radio Stations to be installed during 1971-72 and particulars thereof;

(b) whether Government have a plan to install high powered transmitters in the forward areas; and

(c) if so, the main features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY): (a) Seven transmitters in all. Out of them, the following four new stations have already been commissioned in the course of the year:

(i) Aligarh (shortwave for External Services);

(ii) Rajkot (mediumwave for External Services);

(iii) Alleppey (mediumwave);

(iv) Leh (mediumwave).

At the following two places, the existing stations have been strengthened by installing high power transmitters in the course of this year :

(i) Jodhpur (mediumwave); and

(ii) Imphal (mediumwave)

A station is expected to be set up at Silchar before March, 1972.

(b) Yes, Sir.

(c) High power mediumwave transmitters will be set up at the following places during the remaining part of the Fourth Plan period :

(i) Kohima
(ii) Srinagar
} in replacement of the existing transmitters which are of lower power.

(iii) Tezpur
(iv) Gorakhpur
(v) Najibadad
} New Stations.

Stagnation in Urban Development Schemes in West Bengal

2523. SHRI JYOTIRMOY BOSU: Will the Minister of PLANNING be pleased to state :

(a) the main features of the urban development Schemes taken up in West Bengal during the period from 1968-69 to 1971-72;

(b) the estimated cost of each Scheme;

(c) the progress, till date, of the Schemes taken up; and

(d) whether most of the development Schemes to be implemented during 1971-72 are stagnating?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) to (d). Urban development programmes in West Bengal consist of two distinct components namely –

(a) schemes in the Calcutta Metropolitan Development Area;

(b) Programmes and schemes outside Calcutta Metropolitan Area.

Regarding (a), a copy of the statement placed by the Minister of State for Health

& Family Planning in reply to Rajya Sabha Unstarred Question No. 537 on 24.11.71 regarding the progress of Calcutta Metropolitan schemes is laid on the Table of the House. [*Placed in Library. See* No. LT-1196/71]

Regarding (b), in the West Bengal Plan, a provision of Rs. 66 lakhs has been made for urban development for areas outside Calcutta and this provision is being spent by the State Government on the following distinct programmes:

(i) Preparation of regional plans for Asansol-Durgapur;

(ii) Preparation of comprehensive plan for Haldia;

(iii) Preparation of Urban and Regional Plans for Darjeeling and Jalpaiguri;

(iv) Improvement of transport facilities in Siliguri;

(v) Contribution to Howrah Improvement Trust;

(vi) Development of Municipal areas.

The progress of expenditure during 1969-70 and 1970-71 on these programmes is Rs. 32.64 lakhs and Rs. 37.71 lakhs respectively. Approved expenditure for 1971-72 is Rs.20 lakhs. Individual schemes are formulated and executed by the State Government but from the progress of expenditure it will be seen that progress on the various schemes has been satisfactory.

Withdrawal of Recognition to Government Employees Unions in West Bengal

2524. SHRI JYOTIRMOY BOSU: Will the PRIME MINISTER be pleased to state:

(a) whether the Union Government are considering to withdraw recognition of all affiliated Central and State Government Employees' Unions in West Bengal;

(b) whether Government propose to ban Bundhs and general strikes of Government employees in West Bengal;

(c) if so, under what rule or rules of the Central or State Government these actions are being contemplated; and

(d) on what ground or grounds Government propose to deprive the employees of the fundamental rights guaranteed by the Constitution?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFIARS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) No, Sir.

(b) The Conduct Rules applicable to the Central and State Government employees prohibit them from resorting to strikes and demonstrations. However, certain categories of industrial employees are excluded from the provisions of this Rule. In the case of certain sections of the Central Government employees, such as the services under the Railway Administrations covering West Bengal, the Central Government have prohibited strikes by issuing orders under the Essential Services Maintenance Act, 1968, in view of the prevailing conditions in West Bengal and the need for ensuring the continued functioning of the essential services in that region. Apart from the position indicated above, there is no proposal under consideration for banning Bundhs and strikes of Government Employees in West Bengal.

(c) Does not arise.

(d) There is no proposal under consideration to deprive the Government employees of their fundamental rights.

श्री नगर डाकघर का नष्ट हो जाना

2525. **श्री जगन्नाथ राव जोशी :**
श्री हुकम चन्द कछवाय :
श्री ज्योतिर्मय बसु :

क्या संचार मंत्री यह बताने की कृपा करेंगे कि ।

(क) क्या नवम्बर, 1971 में झेलम नदी के मुख्य बांध पर बना डाक-घर जल कर पूर्णतया नष्ट हो गया था ;

(ख) क्या सरकार ने इस घटना के कारणों की जांच की है; और

(ग) इसके परिणामस्वरूप अनुमानतः कितने रुपये की हानि हुई है ?

संचार मंत्री(श्री हेमवतीनंदन बहुगुणा): (क) जी हाँ। शायद माननीय सदस्य श्रीनगर (कश्मीर) के प्रधान डाकघर के बारे में पूछ रहे हैं, जो 10 नवम्बर, 1971 को आग लगने से नष्ट हो गया था। लेकिन कोषागार में रखी नकदी, डाक-टिकटें और मूल्यवान प्रतिभूतियां आग से बच गई।

(ख) पुलिस इस मामले की तफ्तीश कर रही है।

(ग) करीब 2 लाख 25 हजार रुपये। इसमें आग में नष्ट हुई डाक वस्तुओं की क्षतिपूर्ति के तौर पर भुगतान की जाने वाली राशि शामिल नहीं है।

Applications received from West Bengal for industrial licences

2526. **SHRI JYOTIRMOY BOSU :** Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the total number of applications for industrial licences to set up industries in West Bengal, submitted during the period from January, 1969 to October, 1971;

(b) the industries proposed to be set up by the prospective investors.

(c) the number of applications cleared by his Ministry till date ;

(d) whether the progress of industrial licensing in this State is slow; and

(e) if so, the factors responsible for same ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) The total number of applications for the grant of industrial licences for the establishment of new industrial undertakings in West Bengal received from 1-1-69 to 31-10-71 is 65.

(b) The industries which are proposed to be set-up relate mainly to the manufacture of Electrical Goods, Food Processing Machinery, Caustic Soda, Leather Goods, Nylon Textile Filament, Vanaspati, Steel Castings and for the raising of Coal.

(c) 12 industrial licences and equal number of Letters of intent have been issued so far from 1-1-69 to 31-10-1971.

(d) No, Sir. In fact West Bengal applications are being processed on a priority basis.

(e) Does not arise.

Welfare Corporation for Harijans/ Weaker Sections

2527. **SHRI B. S. MURTHY :** Will the Minister of PLANNING be pleased to state :

(a) the number of States which have sent scheme to starts in their respective

areas Welfare Corporations for Harijans/ Weaker section and the number of schemes finalised ; and

(b) the share of the Central Government in implementing the schemes ?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA) : (a) and (b). Kerala proposes to start a Development Corporation for Scheduled Castes and Scheduled Tribes. The matter is under consideration.

Reopening of closed industries in Kerala

2528. SHRIMATI BHARGAVI THANKAPPAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the number of closed industries of Kerala which have been opened ; and

(b) the number of them which still remains closed, industry-wise, and the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) and (b). Information is being collected and will be laid on the Table of the house.

Demand for assistance for Development of Kerala

2529. SHRIMATI BHARGAVI THANKAPPAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to refer to the reply given to Starred Question No. 1256 on the 20th July, 1971 regarding Central Assistance for Industrial Development in Kerala and state the progress made for the development of backward districts of Kerala State ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : A scheme in consultation with the Planning Commission and the State Governments has been drawn up and announced. According to this scheme, certain districts/ areas have been selected for the grant of a Central subsidy amounting to 1/10th of the fixed capital investment of new units with fixed capital investment not exceeding Rs. 50 lakhs. The details of the sch me have been published in the Gazette Extraordinary dated the 26th August, 1971. The district of Alleppey from Kerala is eligible for this subsidy.

Finance at concessional rates is available for industries to be set up in about 200 selected districts designated as backward throughout the country. The following districts from Kerala are eligible for this concession.

Alleppey, Trivandrum, Cannanore, Trichur and Malappuram.

Besides, Government are also operating rural industries projects for small industries in different backward areas which include Alleppey & Kozhikode from Kerala.

It is hoped that entrepreneurs and the State agencies for promotion of industries will take advantage of these facilities/concessions and set up industries in the backward areas of Kerala.

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12 hours

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Reported Piling up of Raw Jute Stocks in Bihar

श्री विभूति मिश्र (मोतीहारी) : अध्यक्ष महोदय, मैं अविलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर विदेश व्यापार

[श्री विभूति मिश्र]

मंत्री का ध्यान दिलाता हूं और प्रार्थना करता हूं कि वह इस बारे में एक वक्तव्य दें :

"बिहार में किसानों के पास कच्चे पटसन का स्टाक जमा हो जाना।"

THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) : Mr Speaker, Sir, as the House is aware, the recent unprecedented floods in Bihar have resulted in a prolonged dislocation in the movement of jute by rail from the producing centres to the consuming mills largely in Calcutta. The accumulation of stocks in Bihar has been accentuated by extreme paucity of storage of accommodation in upcountry centres, available accommodation having been taken by traders and mills, and by the restrictions on rail bookings from Bihar on account of poor track condition resulting from the recent floods. Thus, a good quantity of raw jute has got accumulated in Bihar centres.

Notwithstanding the exceptional circumstances attending jute purchase operations this season, the Jute Corporation of India has already started purchases in Bihar. In consultation with Bihar, the Corporation has already opened 11 local purchase centres at different markets in the Districts of Purnea, Saharsa and Champaran and four to five centres are to be opened in Darbhanga also within a week's time.

The Corporation has already purchased about 15,000 mds. of jute in Bihar and expects to buy, by the end of December, 1971, a total quantity of 5 lakh mds.

The Corporation is also constantly in touch with the Railway authorities in the matter of allotment of rakes and movement facilities. It is expected that, with the return to normalcy in the rail movement facilities, it will be possible for the mills and Corporation to buy all the accumulated stocks and at the same time help maintain the prices of jute at or above the support levels. Government are keeping a close watch over the situation obtaining in Bihar.

I must confess that the poor jute growers of Bihar have been really hit hard and they deserve our sympathetic consideration and immediate attention.

श्री विभूति मिश्र : अध्यक्ष महोदय, मैं मंत्री महोदय को हार्दिक धन्यवाद देता हूं कि उन्होंने यह स्वीकार किया है कि बिहार में पटसन पैदा करने वाले किसानों को तक्लीफ़ हो रही है और वह स्थिति में सुधार के लिए प्रयत्न कर रहे हैं। मंत्री महोदय स्वयं एक अच्छे किसान हैं और बिहार के सबसे अच्छे जूट ग्रोइंग एरिया से आते हैं। जब वह मंत्री नहीं थे, तो वह जूट पैदा करने वाले किसानों की कठिनाइयों को दूर करने और उन्हें सहायता देने की मांग किया करते थे, लेकिन मंत्री बनने के बाद वह उन लोगों के कष्टों को भूल गये हैं, हालांकि उन्होंने यह स्वीकार किया है कि उन लोगों को कष्ट है।

यह तथ्य है कि बाढ़ की वजह से जूट की फ़सल मारी गई है। अगर एक स्टेंडर्ड एकड़ में 15 मन जूट पैदा हो जाता हो, तो यह समझा जाता है कि जूट की खेती अच्छी है। लेकिन इस साल एक स्टेंडर्ड एकड़ में केवल 7, 8 मन जूट पैदा हुआ है। उत्तर बिहार में जूट, गन्ना और हल्दी आदि की कैश क्राप्स हैं। उन सब चीजों की कीमतें गिर गई हैं। फ्लड में किसानों की हालत बहुत खराब हो गई है। जहां कहीं बैलों का बाजार लगता है, तो कोई खरीदो-फ़रोख्त नहीं होती है, क्योंकि

किसानों के पास पैसा नहीं है। कलकत्ता में जूट का दाम 65 रुपये होता था, लेकिन अब वह 53 रुपये हो गया है। हमारे यहां उस का दाम 20, 25, 30 और 35 रुपये तक गिर गया है। इस से आप सोच सकते हैं कि किसानों की क्या हालत होगी। हमारा 95 फ़ीसदी जूट कलकत्ता जाता है, लेकिन वहां का आवागमन अवरुद्ध, डिसरप्ट, हो गया है। अगर हमारा जूट कलकत्ता नहीं जायेगा, तो उस को खपाने का और कोई ज़रिया नहीं है। आप समझ सकते हैं कि अगर छोटे किसानों की एक फ़सल मारी जाये, तो दूसरी फ़सल के वक्त वे कमज़ोर पड़ जाते हैं। उनको भादों और आश्विन में मजबूर हो कर जूट सस्ते दामों पर बेचना पड़ता है।

उत्तर बिहार में 25, 30 लाख मन जूट है। इकोनोमिक टाइम्ज़ ने यह कुबूल किया है। सहरसा और पूर्णिया में 18 लाख मन जूट है। इसके अलावा चम्पारन, दरभंगा और सारन में भी जूट होता है। वह सब जूट 30 लाख मन से कम नहीं होगा। मंत्री महोदय से कहा है कि निगम दिसम्बर तक 5 लाख मन जूट खरीदेगा। इस स्थिति में निगम बाकी का लगभग 25 लाख मन जूट कैसे खरीद पायेगा।

अगस्त, सितम्बर और अक्तूबर, इन तीन महीनों में रेल का बुकिंग बन्द था। इस बीच में सेठ लोगों और बड़े-बड़े ट्रेडर्ज ने जूट को सस्ते दामों पर खरीद कर होर्ड कर लिया है। अब वे अपने ट्रकों द्वारा उसको कलकत्ता भेज देंगे। उत्तर बिहार में रेलवे की बड़ी लाइन नहीं हैं। केवल समस्तीपुर तक गई है। इसलिए कलकत्ता तक जूट को पहुंचाना मुश्किल है।

यह तय हुआ था कि उत्तर बिहार में चार जूट मिलें लगाई जायेंगी, लेकिन ऐसा नहीं किया गया है मेरे ज़िले में चकिया में, और दरभंगा तथा सहरसा में जूट मिलें लगाये जाने की बात थी। लेकिन सरकार का वह प्रस्ताव कहां रह गया? या सरकार सेठों के पक्ष में हो कर कलकत्ता के जूट मिल-मालिकों को सपोर्ट कर रही है?

मेरे ज़िले में सवा दो करोड़ मन से ज्यादा गन्ना होता है। आप देख सकते हैं कि दस परसेंट के हिसाब से वहां कितनी चीनी पैदा होती होगी। अगर वहां पर जूट का कारखाना लगा दें, तो वहां पर कितने बोरों की खपत होगी। लेकिन सरकार वहां पर जूट मिल नहीं लगा रही है।

इकोनोमिक टाइम्ज़ ने लिखा है :

"The Government has not entered into the market. . .".

अध्यक्ष महोदय : माननीय सदस्य अब प्रश्न करें। मैंने पहले सदस्य के लिए पांच मिनट रखे हैं।

श्री विभूति मिश्र : अध्यक्ष महोदय, इस सदन में विदेशी मामलों पर घंटों तक बहस होती है। लेकिन जब देश के किसानों की बात आती है, जो जनसंख्या का 75 फ़ीसदी हैं, तो कोई पूछता नहीं है।

मैं यह जानना चाहता हूं कि क्या मंत्री महोदय कोई ऐसा इन्तज़ाम सोच रहे है कि बिहार में जूट के कारखाने लगा कर, उनमें बोरे और दूसरा सामान बना कर, बिहार में पैदा होने वाले जूट की वहीं खपत की जाये, ताकि जूट ग्रोअर्ज को

[श्री विभूति मिश्र]

दिक्कत न हो। बड़े-बड़े ट्रेडर्ज ने जूट ग्रोअर्ज से बहुत कम दामों पर जूट खरीदा है। उनको जो मुनाफा हुआ है, क्या वह किसानों को भी दिलाने के लिये सरकार के पास कोई योजना है? क्या सरकार जूट के बिज़िनेस का राष्ट्रीयकरण करने की बात सोच रही है? रुई के सम्बन्ध में जो सहूलियतें दी गई हैं, क्या वही सहूलियतें जूट के सम्बन्ध में भी जायेंगी? जूट के द्वारा सरकार को तीन अरब रुपया फारेन एक्सचेंज का मिलता है। जूट को गोल्डन फाइबर कहा जाता है। क्या सरकार इस बात पर विचार कर रही है कि उसके बिज़नेस को वह अपने हाथ में ले ले और छोटे-छोटे किसानों को रा त दे?

श्री एल० एन० मिश्र : अध्यक्ष महोदय, मैं बहुत-सी बातों में आदरणीय सदस्य से सहमत हूँ। लेकिन एक दो बातें कह देना चाहता हूँ। पहले तो मैं यह कहना चाहता हूँ कि बिहार में 30-40 लाख बेल जूट नहीं है। बिहार में जूट का उत्पादन 1967-68 में 10 लाख 28 हजार बेल था, 68-69 में 4 लाख 80 हजार बेल और इस साल 7 लाख 99 हजार बेल है। यानी लगभग 8 लाख बेल बिहार में जूट होता है। हम 5 लाख मन जूट कारपोरेशन से खरीदना चाहते है क्योंकि यह जूट कारपोरेशन अभी केवल एक डेढ़ महीने पहले ही मैदान में उतरी है और उसके पास इतनी क्षमता नहीं है कि वह सारा जूट खरीद ले। यह बात सही है कि बिहार के किसानों को, उत्तर बिहार के किसानों को और आसाम और त्रिपुरा के किसानों को भी किसी को भी उचित कीमत नहीं मिल सकी है, इसका मुझे खेद है। हमने कीमत रखी है प्राइस सपोर्ट के नाम पर ऐग्रीकल्चरल प्राइस एन्क्वायरी कमीशन की सिफारिश पर और मेरा अनुमान यह है कि यह जो प्राइस सपोर्ट की नीति है यह जूट में अच्छे ढंग से नहीं चल सकेगी। इसलिए हम यह सोच रहे है कि स्टेचूटरी प्राइस कंट्रोल जूट का करें। एक मिनिमम प्राइस फिक्स कर दें और जो उसको वायलेट करे, नहीं माने उस को एसेंशियल कमोडिटीज़ ऐक्ट में सजा दी जाय। हम इस पर विचार कर रहे हैं कि मिनिमम प्राइस जूट की फिक्स हो। माननीय सदस्य ने पूछा कि 95 प्रतिशत जूट कलकत्ता जाता है और बिहार में इस्तेमाल नहीं होता तो यह बात सही है कि सारा जूट बिहार से कलकत्ता को जाता है। बिहार में तीन पुरानी मिलें हैं, एक दरभंगा में मुक्तापुर की मिल और दो कटिहार में हैं। अभी परसों ही हमने एक कमेटी बनाई है जूट कमिश्नर की अध्यक्षता में जो कि बिहार में जा रही है और हम तीनों मिलों को लेना चाहते हैं, एक मुक्तापुर की और कटिहार की दोनों मिलों को, इन तीनों मिलों को सरकारी क्षेत्र में लेना चाहते है। सरकार का जो नया निर्णय हुआ है उसके अनुसार इन को लेकर हम चलाना चाहते हैं। उन्होंने नई मिल की बात की। हमने सिद्धांत तो मान लिया। लेकिन प्लानिंग कमीशन से साफ कराना है, फाइनेंस से कराना है और यह सब होने के बाद मुझे अन्दाज़ है कि बिहार को एक नई जूट की मिल मिलेंगी जो कि बहुत बड़ी होगी, आधुनिक होगी और बहुत बड़ी उसकी केपेसिटी होगी। अब वह कहां लगेगी यह तो एक्सपर्ट लोग जायेंगे तो बताएंगे।

उन्होंने एक यह बताया कि बनिया लोग बीच में बहुत ले लेते हैं, तो यह बात

सही है कि तमाम एक चेन आफ मिडिल-मेन है, बहुत लम्बी कड़ी है, उसमें बहुत लोग हैं जो ज्यादा से ज्यादा कीमत ले लेते हैं। एक बात और मैं यह कह दू कि जूट की कीमत बढ़ने का कारण यह है कि हमारा जूट बाहर भेजना चाहते हैं और कच्चा जूट बाहर भेजेंगे तो उसकी कीमत बढ़ेगी। इसका निर्णय हमने लिया है कि हम रूस को भेजना चाहते हैं और पश्चिमी देशो में भी हम भेजना चाहते हैं। इतने ही प्रश्न माननीय सदस्य के थे· · ·

श्री विभूति मिश्र : राष्ट्रीयकरण करेंगे या नहीं ?

श्री एल० एन० मिश्र : अभी हमारे सामने कोई योजना नहीं है कि हम जूट इंडस्ट्री का नेशनलाइनेशन करें। ऐसी कोई योजना नहीं है।

SHRI HARI KISHORE SINGH (Pimpri): I am grateful to the Minister for the interest he is taking in the condition of the Jute farmers in Bihar and I congratulate him for the decision of establishing a modern jute mill in Bihar. Now I would like to ask only a few questions. May I know from Government what is the remunerative price of raw jute for the farmers? Have the Government worked out such a price? If so, on what basis? I ask this because a serious doubt has arisen in the minds of the farmers of Bihar in regard to the support price recommended by the Agricultural Price Commission? Is it a fact that the price of raw jute has crashed in Bihar as Shri Mishra has mentioned, from Rs. 10 to Rs. 15 less than the support price of Rs. 42.50 recommended by the Agricultural Prices Commission? If, so, what the Government is going to do about it? Is it also a fact that the price of raw jut is exorbitantly high in the Calcutta market causing a serious problem for the jute industry as such? In view of the admission by the Minister himself that there is a shortage of storage capacity in Bihar, will the Government consider the establishment of large godowns in the jute purchasing centres in Bihar, specially in the districts of Purnea, Saharsa, Dharbanga and Champaran? Also considering the admission by the hon. Minister himself about the sad plight of the jute farmers in Bihar because of floods and lack of communications, will the Government consider increasing the support price of raw jute from Rs. 42.50 to at Rs. 50 per maund for the current year?

Also, I would like to know whether it is a fact that most of our jute mills in the country, in order to be more competitive, need radical modernisation and, if so, what the Government is proposing to do in this regard.

These are a few questions which I would like to put to the hon. Minister.

SHRI L. N. MISHRA: About the remunerative price, I have already said that the Agricultural Prices Commission has calulated the cost of production of raw jute and on that basis it recommended last year Rs. 40 a maund ; this year it is Rs. 42½ per maund. But it is also a fact that there should be a more economic price for the growers and that is why I want to have a statutory floor price, and we will look into the matter of the cost of production of jute.

But the hon. Member, in his question, has made a contradictory statement; while he asked for a higher price for raw jute, at the same time, he said that the jute price at Calcutta is very high and it affects jute production. These are to two contradictory, statements, and I do not know how one can reconcile these two statements. The

[Shri L. N. Mishra]

price of raw jute in Calcutta is in the neighbourhood of Rs. 50 a maund or something like that. When we Offer price support, the prices may go up and perhaps higher than the price support. There is no ban or rectriction, and in Calcutta really it is Rs. 50. According to us, the difference between the Calcutta price, the mill gate price and the secondary market, is Rs. 6.50. About Rs. 44 per maund should be available in the primary and the secondary markets. That too is not available this years. As I said, we are taking measures to improve the situation.

About the increase insupport prices, as I have said earlier, I am going to examine it and when we have a statutory price, it is just possible that we may be in a position to offer higher prices and see that export is not affected ; otherwise it becomes costly, and there are substitutes for it, and the jute market has crashed in so far as that aspect is concerned.

About modernisation, we have a programme for modernisation of jute mills and we have offered foreign exchange ; we we are going to give soft loans also, and it is for the mills to come forward and we are persuading them to modernise the mills. It is a fact that our mills are very old.

श्री मुख्तियार सिंह मलिक (रोहतक): अध्यक्ष महोदय, बड़े अफसोस की बात है कि मिनिस्टर साहब के बिहार के होते हुए भी वहां के किसानों के जो जूट के स्टाक्स लगे हुए हैं उन का कोई हल आज तक नहीं हुआ । उन किसानों के ऊपर दोतरफा मार पड़ी । एक तो नेचुरल कैलेमिटीज़ की वजह से, वहां पर बारिश भी बहुत ज्यादा हुई और फिर फलड्स आए, दूसरी तरफ हमारी गवर्नमेंट की भी, कुछ ऐसा मालूम होता है, बड़ी सख्त नजर उन के ऊपर है । क्योंकि वहां पर इतने स्टाक्स हो गए । मिनिस्टर साहब ने अपने स्टेटमेंट में बताया है कि यह जूट कारपोरेशन आफ इंडिया जो है उन्होंने अब तक सिर्फ पन्द्रह हजार बेल मार्केट के अंदर खरीदे हैं जब कि वहां की प्रोडक्शन 8 लाख बेल्स की उन्होंने बताई है । कोई दूसरा मार्केट है नहीं । कलकते की मार्केट में वहां का जूट जा नहीं सकता । रेलवे ट्रैफिक की या वैगन्स की कमी की वजह से दिक्कत हैं । अब मेरे ख्याल से शायद कोई रास्ते की दिक्कत नहीं हैं । तो में पूछना चाहता हूँ जैसा कि कलकते के जूट एसोशिएशन के चेयरमैन ने भी गवर्नमेंट को अप्रोच किया था, आया बिहार से जूट के मूवमेंट के लिए रेलवे के वैगन्स और स्पेशल ट्रेन्स के मामले में टाप प्रायरिटीज़ देने के लिए सरकार तैयार है या नहीं ?

दूसरे जैसा कि मिनिस्टर साहब ने एक इशारा किया कि जूट की प्रोडक्शन यहां पर सारी नेचुरल कैलेमिटीज़ के बावजूद भी करीब 70 लाख बेल्स होने का अन्दाज़ा लगाया जाता है, तो इस को देखते हुए क्या वह इस का एक्सपोर्ट करने की बात भी सोच रहे हैं और क्या इस के अलावा गवर्नमेंट इस को दूसरी कन्ट्रीज़ में एक्सपोर्ट करने के लिए तैयार हैं ? और क्या जूट कारपोरेशन आफ इंडिया ही सोसली इस की एक्सपोर्ट करेगी या एस टी सी के मार्फत भी एक्सपोर्ट कराएंगे क्योंकि जब आप की डायरेक्शन जाती है तो वह भी मार्केट के अंदर एंटर हो जाते हैं, तो क्या इन दोनों ही कारपोरेशंस के मातहत इस की सोल एजेंसी दी जायेगी ? इस लिये मैं चाहता हूं कि सरकार वहां पर टाप-प्रायोरिटी की बेसिज़ पर रेलवे वैगन्ज़ सप्लाई करे, वरना इस का कोई फायदा नहीं होगा । कलकत्ते में प्रासेज

बहुत हाई हैं और बिहार के लोग इसका फायदा नहीं उठा पा रहे हैं । इस वक्त दोनों जगहों की प्राइसेज़ में बड़ा इम्बैलेंस है । मैं चाहता हूँ कि मिनिस्टर साहब यह भी बतलायें कि क्या कलकत्ते में जूट की पाइसेज़ बहुत हाई हैं और अप-कन्ट्री एरियाज़ में प्रासेज़ बहुत लो हैं ? इन के अन्दर इतना जबरदस्त इम्बैलेंस है या नहीं ?

स्पीकर साहब, लिप सिम्पेथी से काम नहीं चल सकता, मैं जानना चाहता हूँ कि हमारी सरकार इस के लिये कोई ठोस कदम उठाने के लिये तैयार हैं या नहीं ? एक तरफ़ किसान सफर कर रहे हैं, फल-छूम और बारिश की बजह से उन को बहुत नुकसान हुआ है, दूसरी तरफ़ उन की कीमतें गिरती जा रही हैं । क्या सरकार इस सम्बन्ध में कोई इम्मिडिएट स्टेप उठाने के लिये तैयार है या नहीं ?

श्री एल० एन० मिश्र : इस में लिप-सिम्पथी की कोई बात नहीं है, जो कुछ हो सकता हैं और जो कदम उठाये जा सकते हैं, हम उस के लिये प्रयास कर रहे हैं । रेलवे मंत्रालय से इसके बारे में मेरी बात हुई है, मैंने उन से कहा हैं कि वे स्पेशल वैगन्ज़ दें ताकि जो माल जमा हो गया है, उस को भेजा जा सके । मैंने अपने बयान में कहा था कि बाढ़ के कारण रेलवे-ट्रैक्स कमजोर हो गई हैं, इस लिये थोड़ा समय लग रहा है । इधर रेलवे वैगन्ज़ और रेलवे इन्जिन्ज़ का मूवमेन्ट किसी ज़्यादा आवश्यक काम में हो रहा था, इस लिये नहीं मिल सकी थीं । मुझे उम्मीद है कि अब शीघ्र ही रेलवे वैगन्ज़ मिलेगी और वहां का जमा हुआ माल हम कलकत्ता ला सकेंगे ।

एक प्रश्न में उन्होंने पूछा कि हम एक्सपोर्टस केवल यू० एस० एस० आर० से करना चाहते है, ऐसी बात नहीं है । मैंने अपने उत्तर में कहा था कि यू० एस० एस० आर० को भेजेंगे और फी-करेन्सी एरियाज में भी भेजेंगे, पश्चिम के देशों को भी भेजेंगे । यू० एस० एस० आर० से हमारे पुराने सम्बन्ध हैं, जब भी कठिन घड़ी आई है, हमें उन से मदद मिली हैं, लेकिन पश्चिम के देशों को भी देना चाहते हैं ।

जहां तक एस० टी० सी० और प्राय-वेट हाउसेज़ का सवाल है, हम कोशिश करेंगे कि एस० टी० सी० के ज़रिये हो, लेकिन प्राइवेट हाउसेज़ पर कोई रोक लगाना नही चाहते हैं । इस देश में प्राइवेट हाउसेज़ ने लीड किया हैं, 90 प्रतिशत एक्सपोर्ट प्राइवेट हाउसेज़ करते हैं ।

SHRI BIRENDER SINGH RAO (Mahendragarh) The hon. Minister has shown concern about the condition of jute growers in Bihar. I would like to know the prevailing price of jute in areas where stocks have piled up and also the price in the corresponding period last year and an estimate of the total loss suffered by jute growers in Bihar this year. Secondly, I would like to know if any effort has been made, in view of the rail track being damaged, to move the stocks by road transport. Thirdly, is there any schems to construct warehouses to prevent such a situation in future, and has the Government thought of advancing money to jute growers who cannot sell their stocks, to help them to retain their produce till such time as their stocks can be purchased ? Has the jute corporation thought of making such advances to jute growers to prevent their exploitation at the hands of buyers ?

SHRI L. N. MISHRA : The prevailing price this year varies from Rs. 20 to Rs. 30 per maund in the villages of Bihar, as also in Assm. As a matter of fact the Chief Minister of Assam told me that the prevailing price in Assam was Rs. 22 per maund ; we are very much concerned at this. The market position has improved now and I believe the price has gone up to Rs. 30 per maund. I am not aware of the prices prevailing last year at the moment ; I shall require notice for that.

As for clearing stocks by road, this is for the private people to do. We do not have any organisation for it. As for advancing money, it should be the duty of the Corporation to attend to the problems, and I believe the Corporation will be in a position to do something to help the growers.

SHRI INDRAJIT GUPTA (Alipore) : Is it not a fact that actual prices received in the primary market by the jute growers, whether in Bihar or some of the other areas also, is not only lower this year, but is very often much lower than the national derivative price which is calculated from the support price fixed by the Agricultural Price Commission? On his own admission, this year the sales are being made in the range of Rs. 20 to Rs. 30 whereas the derivative price on the basis of the port price, Rs. 42.50 is much higher than this. Therefore, I would like to know from him whether it is not a fact that most of the Calcutta mills actually purchase their jute through their own agents and through benami agents also in the countryside, and they get this jute at prices which are much lower than the so-called support price. This price which is prevailing at Calcutta being a bit higher does not affect the working of the mill at ails. The mills do not buy the jute there, they buy it from the countryside through their agents. Therefore, was it not necessary for this Jute Corporation which was set up, as one of its principal objectives is to see that this support price is maintained, to purchase raw jute on a sufficient scale if prices fall below the support price? This year neither of these things has happened. Neither has the Jute Corporation bought more than a very small amount, nor have the mills been purchasing from these areas because they got some jute from Bangla Desh also.

Therefore, I would like to know from him how many years are to pass before these wretched, poor raw jute cultivators are saved from the hands of these exploiters, these big merchants, these agents of the mills and so on. This is going on year after year.

I would like to know from him how much raw jute was obtained legally or illegally from Bangla Desh this year by the jute mill owners and jute merchants. The industry in Calcutta is known to be making absolutely super profits this year due to the fact that the Pakistani mills have been knocked out of commission, and these people are able to quote whatever price they like for their carpet backing, hessian etc. They have admitted that they are selling at Rs. 700 or Rs. 800, upto Rs. 1300 per tonne premium above the registered price. This is the position and actually our jute goods are in danger of being priced out of the world markets due to the short-term profiteering of the jute mills owners. In view of the fact that they are making huge profits, is it not fair that the raw jute cultivators and the jute mill workers also should get some share in this prosperity? Therefore, will he consider that the price of raw jute should be raised further in the primary markets and should be maintained so that the raw jute cultivators can get an economic return and the jute mill workers also should get their share in this prosperity, and the mill owners should not be allowed to go on making these super

profits without any control as, after a few years, our export markets also will be ruined and the foreign consumers will begin to turn to substitutes. What are they doing about this?

SHRI L. N. MISHRA : Frankly I am inclined to agree with Shri Indrajit Gupta on many of the points. It is a fact that the jute growers have been exploited by a long chain of middleman and the mill owners. There cannot be any two opinions about it. That is why I brought the Jute Corporation into being. The Jote Corporation's life is only 2½ months, and it has not yet been able to have its own warehouses to go on purchasing. It is trying to appoint agents in the secondary and primary jute markets. The Cotton Corporation was set up a year ago and it has done a good job. Similarly this will also do a good job and it will be one of our endeavours to see that the prices are fixed for the primary and secondary markets first and then at the main port, and it will be our endeavour to see that the jute growers do not suffer. It is also a fact that they make purchases through their own agents, whether *benami* or other agents. I come from that area. I have something to do with this cultivation. I know they make purchases in secondary and primary markets.

Then, he asked how many years we shall take. We shall not take many years. Within a year's time, thing will improve so far as raw jute is concerned. About Bangla desh, I do not want to say anything because I do not know much about it. Every year jute has been coming from East Bengal and this year also. it might have come. I do not know the quantity that has come from there and I cannot say it.

The other suggestion was to fix the price for primarymarkets. We will do so. The price of jute will be fixed on a statutory basis in the primary and secondary markets. Price support policy alone will not be there. There will also be statutory price control of raw jute.

SHRI INDRAJIT GUPTA : In view of the super profits which the mills are making due to the special circumstances this year, why should not the cultivators and jute mill workers get something more?

SHRI L. N. MISHRA : It is a good idea.

12.32 hrs.

PAPERS LAID ON THE TABLE

INDIAN TELEGRAPH (THIRTEENTH AMENDMENT) RULES

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : I beg to lay on the Table a copy of the Indian Telegraph (Thirteenth Amendment) Rules, 1971 (Hindi and English varsions) published in Notification No. G. S. R. 1405 in Gazette of India dated the 25th September, 1971, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885. [*Placed in Library. See* No. LT—1185/71].

MYSORE STATE POLICE SERVICES (RECRUITMENT) (THIRD AMENDMENT) RULES

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : I beg to lay on the Table a copy (Hindi and English versions) of the Mysore State

[Shri Ram Niwas Mirdha]

Police Services (Recruitment) (Third Amendment) Rules, 1971 published in Notification No. G. S. R. 234 in Mysore Gazette dated the 5th August, 1971 under clause (5) of article 320 of the Constitution read with clause (c) (iv) of the Proclamation dated the 27 March, 1971, issued by the President in relation to the State of Mysore, together with an explanatory memorandum. [*Plaeed in Library. See* No. LT—1186/71]

ANNUAL REPORT OF THE TRADE MARK REGISTRY

औद्योगिक विकास मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) : अध्यक्ष महोदय, मैं व्यापार और वाणिज्य चिन्ह अधिनियम, 1958 की धारा 126 के अन्तर्गत 31 मार्च, 1971 को समाप्त हुए वर्ष के सम्बन्ध में व्यापार चिन्ह रजिस्ट्री के वार्षिक प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति सभा-पटल पर रखता हूं। [*Placed in Library. See* No. LT—1187/71]

12.33 hrs.

BUSINESS ADVISORY COMMITTEE

SEVENTH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : I beg to move :

> "That this House do agree with the Seventh Report of the Business Advisory Committee presented to the House on the 30th November, 1971."

SHRI SAMAR GUHA (Contai) : The statement made by the Prime Minister should be discussed here also. Rajya Sabha spent the whole of yesterday discussing the situation and that statement. I do not know why we should be deprived of an opportunity, because things are developing fast both in Bengladesh and in the international sphere. Mr. Nixon has sent letters and so many things are going on. Would you direct the Government that next week the statement of the Prime Minister must be taken into consideration?

MR. SPEAKER : So far as this report is concerned, there is no amendment. About other things, you can send your suggestions.

SHRI S.M. BANERJEE (Kanpur) : We have already taken a decision that after the 12th, after the ordinances are passed, we will have a discussion on this. That decision has been taken by the Business Advisory Committee.

MR. SPEAKER : The question is:

> "That this House do agree with the Seventh Report of the Business Advisory Committee presented to the House on the 30th November, 1971."

The motion was adopted

12.34 hrs.

MATTER UNDER RULE 377]

PAYMENT OF ENHANCED D. A. TO GOVERNMENT SERVANTS

SHRI S.M. BANERJEE (Kanpur): With your permission, Sir, I beg to submit that from the newspaper reports yesterday, we

came to know that about the question of DA which was referred to the Pay Commission, the Pay Commission has made a recommendation to the Government that Central Government employees getting upto Rs. 1250 be given an additional interim relief ranging from Rs. 8 to 20 per month from 1st September, 1971, on the basis of 228 points. The matter was referred to the Pay Commission by the Government, although we thought this was not necessary. Anyhow, now that the Pay Commission has given its recommendation, the Finance Minister should make a statement immediately in this House about this matter. The Commission has also suggested that three months' arears interim relief might be deposited in the Provident Fund account and the additional interim relief be paid in cash along with the salary for December, 1971.

At the very outset, I should like to express my dissatisfaction over the meagre amount recommended by the Pay Commission for those employees who are getting a very small salary and who are facing semi-starvation condition, viz., Class III and Class IV employees. I hope the government will definitely revise this decision and give those employees more than Rs. 8, which is recommended by the Pay Commission as that is totally inadequate. If that is done, I would like to make it clear that the All India Defence Employees' Federation and the Central Government employees of this country would welcome this decision of the government at a time when they are facing almost semi-starvation conditions. If you pay the arrears in cash, it would definitely enable them to purchase winter clothing for their children in this weather. I would say that the arrears should not be deposited in the provident fund but it should be paid in cash. The Finance Minister should make a statement either today or tomorrow in the matter because government have already taken enough time. I will end by saying that the amount for class 3 and class 4 should be raised and the amount should be paid in cash. Sir, I would request you to direct the government to make a statement.

MR. SPEAKER : It is being taken note of by the government.

12.36 hrs.

CONSTITUTION (TWENTY-FIFTH AMENDMENT) BILL—*contd.*

MR. SPEAKER : The House will now take up further consideration of the Constitution Amendment Bill. As decided yesterday, we will have to conclude our work by 6·30 p.m. We have fixed two hours for the discussion on clauses and one hour for the last stage of the Bill. We will finish the discussion on the consideration motion by 4 p.m. I have given time to the Prime Minister to come here near about 4 p.m. for speaking.

SHRI P. K. DEO (Kalahandi) : More time should be given for the third reading.

MR. SPEAKER : We have given one hour.

SHRI P. K. DEO This is not sufficient.

MR. SPEAKER : I am very sorry. We cannot extend the time. There will be no lunch hour today. So, hon. Members need not go away thinking it is the lunch our.

SHRI SHYAMNANDAN MISHRA (Begusarai) : Mr. Speaker, Sir, the Law Ministry, to my mind, seems to be functioning under a consortium. That has been our experience during the life of the present Parliament. In this consortium

[Shri Shyamnandan Mishra]

the Law Minister is expected to provide the law and the Minister of Steel, instead of his original red, is to provide the garnish of green and is he was skirting round Karl Marx and quoting T.H. Green. The Minister of Education and Culture.....

SHRI PILOO MODY (Godhra) : And Bangladesh.

SHRI SHYAMNANDAN MISHRA : .....in this consortium is expected to provide the elements of the new cultural revolution which his party is undergoing in Bengal. And the evidence of it was not lacking in this city of Delhi too on the 13th when the great invasion of Jantar Mantar took place. Naturally, the Prime Minister is expected to provide the undefinable something.

SHRI PILOO MODY : Glamour.

SHRI SHYAMNANDAN MISHRA : You may call it anything you like. So, it is not unnatural that this Bill should have undergone three births by now, and it may well be that by the time we pass this measure it will have undergone the fourth birth also.

Now, right in the beginning I would like to say that I agree with and support the two propositions underlying this measure. The first one is that the State has a right to acquire any property for public purpose, not necessarily at the market value in all cases, though the State must always try to be fair as far as possible. Secondly, the Directive Principles of State Policy, particularly in respect of the deconcentration of economic power and the distribution of material resources of the community so as to subserve the common good, must not remain sleepy or toothless animals or mere decorative pieces. Therefore, I would like to accord general support to these principles.

But I must submit that in the present form this measure is lacking in social justice. It is highly inequitous and, I may go to the length of saying, unsocialistic, in the sense that both the big and the small are to be treated alike; the elephant and the ant are being treated alike. Even the minorities and the educational institutions cannot expect to get protection. Socialism, to my mind, does mean discrimination in favour of the small, the weak and the underprivileged, and, if that is not done, I must say that this is an unsocialistic measure. Particularly when it comes to property within the ceiling, we must realise that it is not only a question of right to property that is involved but the right to the very existence of the small men. Therefore, I have characterised it as highly inequitous and unsocialistic.

Then, it would appear that in article 31C it is not democratic socialism but socialism minus democracy. That is not a far cry from what totalitarianism is. To repeat this would be socialism sans democracy. That socialism must be certified by the ruling elite and that it will have to be accepted by all of us, is a concept which is highly irritating and obnoxious. There must be a provision for constitutional protest in any case. Every socialist cannot be expected to agree with them about their conception of socialism. If 'what daddy says is right, is going to be the rule, what else is totalitarianism ?

We do not see much in this measure, nor would we like to build on it, considering the nature of the political elite which is running the country or, shall I say, which is ruining the country. There seems to be an attempt, purely in a spirit of self-delusion, to build socialist myths around this measure and to build high socialist hopes on it. We have heard ringing phrases about the restructuring of the whole fabric society so as to make it

egalitarian and just. No one would be happier than ourselves if it were so. How tantalising this all is ! But we do not find any mention of Articles 41 and 43 of the Directive Principles of State Policy in Article 31C. After all, what you have brought in through article 31C is only of a negative nature. That does not provide positive content to socialism. Where is the right to livelihood assured here ? Where is a fair wage assured here ? There is nothing of that kind.

Therefore, I would say that the impression that is sought to be created is a completely misleading impression. Socialism does not require a plethora of legislation. How long do you expect the people to go on sucking the lollipops of legislation ?

They must have the fruits of their labour assured to them and they must have at least the basic minimum necessities of life. Yesterday, we were promised by the Minister of Law that the agenda for social change is very heavy, that there are many more things to come. But it is this Government which has withdrawn from the agenda the accepted policy of the united Congress that the minimum necessities of life have to be fulfilled by 1975-76. So it seems we are turning to be mere symbol worshippers; We are not being given the substance of socialism. If these elements are lacking, this is my respectful submission, then socialism would be a distant dream. It is not what we say socialism means, what we think socialism means, but what socialism actually does. That is why, as Mr. Bevan said, it is not the noun which matters but it is the verb which matters, that is what exactly you do not seem to realise.

Now, there is nothing radically new about this measure as some of the speeches would seem to indicate or would have us to believe. The various amendments to Article 31 in the past would confirm the view that the broad thrust of public policy has always been towards accomplishing public purposes without exhorbitant social cost. Similarly, the full Bench of the Madhya Bharat High Court, as far back as 1953, had held the view that the abolition of jagirdaris was for the purpose of avoiding concentration of wealth and means of production to the common detriment as laid down in Article 39 (b) and (c).

There is also nothing frightfully revolutionary about this measure, as the Minister of Steel, Mr. Mohan Kumaramangalam, would persuade us to believe. With all his stress on "property is theft". —he would not say it himself but he has always been quoting some authorities to say so; even in the last session of Parliament he laid stress on that and, yesterday, also he brought in one great gentleman who wrote about it, about hundred years back, Mr. T. H. Green,—it is not going to send a shudder down the spine of anyone, much less the shrewed men of property who seem to be falling upon one another to join the ruling Party.

I would like to ask the hon. Members of the ruling party to consider what it is exactly which makes the men of property to join their party. Why do they consider their party to be their safe haven ? And yet they consider that they are going to bring about something very revolutionary in society. That is the nature of the political elite that they have.

The proposed amendment does not take away the constitutional safeguards and guarantees about property. The juristic base of property remains as entrenched as before. The core and content of the right of property is not affected. The right to property remains inviolate except for public purpose. That is, deprivation can only be for public purpose and not for personal and private ends. Similarly,

[Shri Shyamnandan Mishra]

the right to property cannot be disturbed save under the authority of law. That is, the deprivation cannot be brought about through executive action.

Again, any act of deprivation will have to be accompanied by a price and that price cannot be expected to be a very unfair price. That is what we witnessed only about four months back when probably this Bill had already taken its birth; a property was sought to be acquired or has, actually, been acquired in the name of perpetuating the memory of Mahatma Gandhi, at a price, a very very small price indeed, of Rs. 55 lakhs.

Now, I ask you, Mr. Speaker, to consider : are prices, therefore, going to be unfair prices ? Of course, prices are going to be unfair for small men who do not see eye to eye with them but not for the big capitalists. Therefore, you find that this Government is, indeed, an honest debtor to the capitalists ! They would pay back every farthing they have got from them. So, they decontrolled the price of paper. You know at what prices our children are buying their books or copy books ? At so very high prices ! Because they had to pay for the election expenses and it was decontrolled. What is the story of the wool-top ? I don't find the hon. Minister who was concerned with forming co-operatives for wool-tops. They gave a lot of money in a city of Punjab for elections.

Thirdly, what has happened to sugar ? Sugar was decontrolled only with a view to discharging their debts to these sugar magnates.

Mr. Speaker, not only this. May I say here that many of the criminal acts of capitalists are being condoned. About forty industrialists who had violated the law according to which they could not exceed the capacity in their industries without Government's permission have been condoned and the whisper goes round that they have been condoned only for condoning the beer magnate, the Mohan Brewries, only to condone Mr. B. R. Mohan. And all this is not out of any altrustic purpose. Could anybody care to reply to this that all this excess production has not yielded any excess excise duty ?

SHRI S. M. BANERJEE (Kanpur) : An officer has been suspended.

SHRI SHYAMNANDAN MISHRA : The excise duty should have been available to the public exchequer; it had not been made available to the public exchequer.

All these show that we have got this beer socialism flourishing in this country. They are welcome to this beer socialism. They are welcome to this ultra-modern socialism. But we will remain old-fashioned, we will have nothing to do with this kind of beer socialism.

What I would like to say is that things remain as before. The more things have changed, the more they remain the same. Therefore, it is not correct to claim that this is going to bring about a revolutionary change.

Then one difference that is sought to be highlighted is that the word 'compensation' is being substituted by the word 'amount'. But even so, where is it mentioned, I ask you, that this 'amount' would be less than the market value ? Is is mentioned anywhere so that it is going to be binding on the Government ? It may not be even the market value. The 'amount' may be anything, suiting the convenience of the ruling party and the requirement of their election expenses.....(*Interruptions*)

SHRI PILOO MODY : That is the main thing.

SHRI SHYAMNANDAN MISHRA : It would depend upon that. So it is not mentioned anywhere the amount that is

going to be less than the market value. Therefore, I would not say that this is indeed a historic measure in that sense.

MR. SPEAKER : The hon. Member's time is up.

SHRI SHYAMNANDAN MISHRA : I would agree with the Minister that the courts would not be barred in spite of our legislative exercises to oust their jurisdiction. I have always held the view that whereas we have got unlimited authority to amend any Part of the Constitution, the courts have unlimited power to interpret the Constitution. And we shall have to bring about a synthesis between the two. However much you may shift the ground, the court's jurisdiction is not going to be ousted. They are bound to attack any measure on the basis that it is a fraud on power, it is *ultra vires*, it is *mala fide*. So, why have this exercise? I ask the hon. Minister of Law to tell us why, if the court's jurisdiction is not going to be ousted, there is this exercise in futility, and why unnecessarily he is taking the blame no himself that he is going to sweep away at one stroke all the basic freedoms that the citizens enjoy.

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE) : I thought that the hon. Member had followed my speech.

SHRI SHYAMNANDAN MISHRA : Now, the position arises, coming to article 31C, whether the Directive Principles could not be implemented under the amended article 31 (2), that is the new amendment. The question, therefore would be whether article 31 (2) would not cover cases of deprivation of property, with a view to implementing article 39 (b) and (c). In other words, the question is whether deconcentration of economic power and the distribution of the material resources of the community to subserve the common good would not be construed by the court as a public purpose. That is the basic question. Are we not entitled to expect a word in explanation from the Minister of Law whether article 31 (2) in the amended form would not meet the requirements? My hope is that the courts would interpret it to be a public purpose would interpret it as a social purpose. But if by way of abundant caution, they have brought it in, I would not have much objection, because there is some legislative redundancy in many a case.

The last point which I would like to make with some amount of emphasis is that article 31-C in the form in which it is sought to be amended gives the impression that there is a basic contradiction or antagonism between democracy and socialism. The whole gamut of the basic freedoms is therefore sought to be swept away under this amendment.

Now, so far as we are concerned, we consider socialism to be an extension of democracy in the social and economic spheres. For us, democracy is the very centre and circumference of socialism. The word 'democratic' is not an epithet which can be detached at will or convenience by the ruling party. Therefore, I would submit that a believer in democratic socialism should sincerely believe that there is no basic contradiction between the Fundamental Rights and the Directive Principles of the Constitution. To recognise this, we feel, is to serve the cause of democratic socialism. If we cannot bring about this synthesis between the Fundamental Rights and the Directive Principles, we have no right to call ourselves democratic socialists. Although there might be a conflict, a kind of dialectical conflict between Fundamental Rights and Directive Principles, there is no attempt to resolve it in the form of a synthesis. So, I would say that this is against the principle of democratic socialism.

[Shri Shyamnandan Mishra]

To my mind it is necessary to provide for two-thirds majority for the passing of any legislation under this Act. I am sorry to find that although wisdom had dawned upon the Government earlier, it seems to be receding now. And for what reasons ?

An amendment involved in such a legislation would mean an amendment of the Fundamental Rights. Fundamental Rights, according to our Constitution can be amended through a constituent Act, so that if we are passing any legislation under this Act, it would have to conform to the requirements of the passing of a constituent Act. What is required to be passed by two-thirds majority, according to particular procedure, cannot be passed by a simple majority in a clandestine manner. Because that involves amendment of the fundamental rights that cannot be done except through the particular processes prescribed in the Constitution.

13 hrs.

Therefore, my submission is that the Government would be unnecessarily making the legislations under this Act vulnerable to attack in this courts.

Secondly, I would ask my friends on this side are they insisting that it must not be on the basis of a two-thirds majority? If it is not on the basis of a two-thirds majority, it may well be that the vested interests would prevail upon the ruling party. If they are honest in thinking that the ruling party does consist of such element which would always try to hamper any progress in social and economic sphere they should be extra-careful in seeing that do not have the right to do it through a simple majority. I am saying this only in regard to the States. If you think that they do consist of vested interests, make them dependent upon yourself rather than make them dependent upon themselves. Secondly, this two-thirds majority should be required also to avoid the possibility of conflicting legislations being passed by the State legislatures.

Finally, I would like to say that only some verbal assurances to small holders and minorities would not do. Apprehensions have been expressed, and we cannot shrug them away, that this will adversely affect the small man, the small holders and the minorities.

Therefore, we have thought it fit to bring forward certain amendments to protect persons within the ceiling and also the minorities, and what is most important—and this we want to assert with all the emphasis at our command.

We would not like in any way the democratic basic freedoms of the people to be whittled down.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष जी, इस संविधान संशोधन विधेयक के बारे में मेरी प्रतिक्रिया भिन्न होती यदि इसका उद्देश्य बैंक राष्ट्रीयकरण के मामले में सर्वोच्च न्यायालय द्वारा दिये गए निर्णय से उत्पन्न कानूनी कठिनाई कार्रवाई को दूर करना मात्र होता। संविधान का अनुच्छेद 31(1)(2) जो हम 1955 में पारित कर चुके हैं उसमें इस बात की हम व्यवस्था कर चुके हैं कि यदि किसी सम्पत्ति को अनिवार्यतः लिया जायगा या अधिगृहीत किया जाएगा तो उसे इस आधार पर चुनौती नहीं दी जा सकेगी कि कानून द्वारा दिया गया मुआवजा या प्रतिकर पर्याप्त नहीं है।

सर्वोच्च न्यायालय ने बैंक राष्ट्रीयकरण के मामले में इस निर्णय से पीछे आने की कोशिश की। आवश्यकता थी कि इसको ठीक करने के लिए कदम उठाया जाता।

हम ऐसा व्यवस्था स्वीकार नहीं कर सकते हैं जिसमें ऊंची सम्पत्ति लेने पर सरकार को सौ फीसदी मुआवजा देने के लिए विवश किया जाए। यदि ऐसा होगा तो फिर सम्पत्ति लेने का उद्देश्य ही विफल हो जाएगा। लेकिन हमें सम्पत्ति और सम्पत्ति में भेद करना होगा। एक करोड़ीमल और एक कौड़ीमल को एक ही तराजू में नहीं तोला जा सकता। लक्ष्मीदास और गरीब दास एक ही लकड़ी से नहीं हांके जा सकते। देश में करोड़ों लोग ऐसे हैं जिनकी सम्पत्ति एक झोंपड़ी है, जिनकी जायदाद दो बीघा जमीन है, जिनकी लक्ष्मी एक छोटी सी दुकान तक सीमित है। यदि उनकी सम्पत्ति सार्वजनिक प्रयोजन के लिए ली जाती है और ऐसी आवश्यकता पड़ सकती है कि ली जाए तो क्या उन्हें पूर्ण क्षतिपूर्ति नहीं मिलनी चाहिये ?

यदि किसी भूतपूर्व सैनिक ने अपनी जीवन भर की गाढ़ी कमाई का पांच हजार रुपया किसी कम्पनी में हिस्से के रूप में लगा दिया, वही उसकी सारी सम्पत्ति है, उसी के भरोसे वह जीवन की अन्तिम घड़ियां काट रहा है तो क्या उस कम्पनी का सरकारीकरण होने पर उसे नाममात्र की धनराशि—मुआवजा नहीं, धनराशि—देना राज्य के लिए न्यायसंगत होगा ? किसी विधवा ने यदि जीवन भर की धरोहर को बैंक में रख कर आमदनी का कोई साधन कायम कर लिया है और वही उसका एकमात्र अवलम्ब है तो उसको लेते समय क्या सरकार उदारता से काम नहीं लेगी ? क्या उसे पूरा मुआवजा नहीं दिया जाएगा ?

मेरी मांग है कि इस विधेयक में यह बात स्पष्ट कर दी जाए कि यदि सरकार सार्वजनिक हित के लिए अधिकतम सीमा से नीचे की सम्पत्ति लेगी, फिर वह सम्पत्ति चाहे ग्रामीण क्षेत्र में हो अथवा नगर में, उसका मुआवजा बाजार भाव से दिया जाएगा।

जोत की अधिकतम सीमा के कानून सभी राज्यों में बन गए हैं। वे कार्यान्वित नहीं किए गए यह अलग बात है। मैं इस बारे में आगे कुछ कहूंगा। यदि उस उच्चतम सीमा से नीचे जमीन ली जाए तो उस का पूरा मुआवजा देना चाहिये। आजकल शहरी सम्पत्ति की सीमा निर्धारित करने की चर्चा भी बड़े जोरों से चल रही है। राज्य सरकारें एक के बाद एक इस उत्तरदायित्व को केन्द्र के मत्थे मढ़ रही हैं। पता नहीं वे जिम्मेदारी से बचने के लिए ऐसा कर रही है या वे इससे सम्बन्धित कानून में एकरूपता चाहती हैं। मेरा निवेदन है कि सरकार इस विधेयक में स्पष्ट कर दे कि शहरी सम्पत्ति की अधिकतम सीमा के नीचे जो सम्पत्ति ली जाएगी फिर वह जमीन के रूप में हो या मकान के रूप में, दुकान के रूप में हो या छोटे कारखाने के रूप में, उसका पूरा मूल्य, जिसकी सम्पत्ति है, उसको दिया जाएगा।

विधि मंत्री मेरे सुझाव को यह कह कर रद्द करने की कोशिश न करें कि अभी शहरी सम्पत्ति की सीमा निर्धारित नहीं हुई है। वह यह भी न कहें कि जब कानून बनेगा तो उसमें यह व्यवस्था कर दी जाएगी। प्रश्न ब्यौरे का नहीं, सिद्धान्त का है। सत्तारूढ़ दल शहरी सम्पत्ति की सीमा निर्धारित करने के कार्यक्रम से वचनबद्ध है। मोटे तौर पर पांच लाख की सीमा बांधने की बात कही गई है। मेरा दल इस सीमा को घटाकर तीन लाख करने के पक्ष में है···

श्री शशि भूषण (बक्सिण दिल्ली) : एक लाख बढ़ा दिया है। गाजियाबाद के दिल्ली लौटने पर एक लाख बढ़ा दिया।

श्री अटल बिहारी वाजपेयी : यदि आप अखबार ठीक तरह से नहीं पढ़ते तो यह मेरा दोष नहीं है। हमने गाजियाबाद में जो कुछ कहा है उसका अर्थ यह है कि दो लाख निर्माण की लागत और जमीन का मूल्य अलग, दोनों मिलाकर तीन लाख से अधिक नहीं होते। लेकिन आप अगर हमारा सुझाव मानने के लिए तैयार नहीं हैं तो कम से कम पांच लाख की सीमा वाला अपना सुझाव इस विधेयक में अंकित कर दें और कह दें कि पांच लाख या पांच लाख से कम की धनराशि की सम्पत्ति ली जाएगी तो उसके लिए पूरा मुआवजा दिया जाएगा।

श्री पीलू मोदी : आपने तीन लाख किया तो इन्हें दो लाख तो करना ही पड़ेगा। फिर आपकी बारी आएगी और आप एक लाख कर देना।

श्री अटल बिहारी वाजपेयी : नतीजा यह होगा कि मोदी साहब के पास कोई सम्पत्ति नहीं बचेगी।

इस विधेयक का सबसे आपत्तिजनक भाग वह है जिसमें राज्य की नीति के निदेशक तत्वों को लागू करने के नाम पर नागरिकों के सभी मूलभूत अधिकारों को समाप्त करने का प्रावधान किया गया है। यदि केवल बैंक राष्ट्रीयकरण के मामले में सर्वोच्च न्यायालय के निर्णय से उत्पन्न परिस्थिति को ठीक करने का सवाल था तो 31सी को लाने की आवश्यकता नहीं थी।

संविधान के निर्माताओं का मन्तव्य था कि मूलभूत अधिकार निदेशक तत्वों से ऊपर हैं। मूलभूत अधिकारों को न्यायालय का संरक्षण प्राप्त था। उनकी रक्षा के लिए नागरिक राज्य के विरुद्ध अदालत का दरवाजा खटखटा सकते थे। संविधान सभा ने प्रो० के० टी० शाह का एक संशोधन अस्वीकार कर दिया था, जिसमें यह मांग की गई थी कि राज्य के निदेशक तत्व न्यायालय की परिधि में लाये जायें, उनको कार्यान्वित करने की मांग अदालत में की जा सके। इसे स्वीकार नहीं किया गया। अनुच्छेद 37 के अनुसार राज्य के निदेशक तत्वों सम्बन्धी उपबन्धों को किसी न्यायालय में बाध्यता न दी जा सकेगी।

मुझे स्मरण है कि जब अनुच्छेद 48 के अन्तर्गत गायों, बछड़ों तथा दुधारू और वाहक ढोरों की नस्ल के परिरक्षण और सुधार के लिए, तथा उनके वध का प्रतिषेध करने के लिए—प्राहिबिटिंग दि स्लाटर आफ काउज एंड काव्ज एंड अदर मिल्च और ड्राट कैटल —कुछ राज्यों ने कानून बनाये, तो उन कानूनों को इस आधार पर रद्द कर दिया गया कि यद्यपि वे निदेशक तत्वों के अनुसार हैं, लेकिन वे कसाइयों के अपना रोजगार करने के अधिकार को छीनते हैं।

श्री फ्रैंक ऐन्थनी (नामनिर्देशित-आंग्ल-भारतीय) : हमने कराया था।

श्री अटल बिहारी वाजपेयी : लेकिन अब कराना मुश्किल है।

मेरे पास सर्वोच्च न्यायालय का वह निर्णय है। श्री फ्रैंक एन्थनी दूसरे पक्ष की ओर से.....

SHRI K. NARAYANA RAO (Bobilli) : I am not sure whether Mr. Vajpayee is correct on that point.

SHRI PILOO MODY : If you are not sure, why don't you sit down ?

श्री अटल बिहारी वाजपेयी : बीस वर्ष बाद घड़ी की सूई पूरा घूम गई है। नागरिकों के मूलभूत अधिकारों पर निदेशक तत्व हावी हो रहे हैं। मुझे इसमें आपत्ति नहीं है। किन्तु मैं यह समझने में असमर्थ हूं कि अनुच्छेद 39 (बी) और (सी) को कार्यान्वित करने के लिए, जिनका सम्बन्ध भौतिक सम्पत्ति के स्वामित्व और नियत्रण के बंटन तथा धन और उत्पादन-साधनों के अहितकारी केन्द्राकरण को रोकने से है, ऐसे मूलभूत अधिकारों पर क्यों हमला किया जा रहा है जिनका सम्बन्ध सम्पत्ति से नहीं है। वाक-स्वातन्त्र्य तथा अभिव्यक्ति की आजादी, शान्तिपूर्वक तथा बिना हथियारों के एकत्र होने के अधिकार, संस्था या संघ बनाने की छूट, भारत में अबाध संचरण और भारत के किसी भाग में निवास करने और बस जाने के मूलभूत अधिकारों पर भी कुठाराघात किया जा रहा है।

कल विधि मंत्री ने विधि आयोग के सुझावों को न मानने के लिए जो तर्क दिये, वे बिल्कुल लचर थे। वे किसी का समाधान नहीं कर सकते। विधि आयोग के प्रमुख श्री गजेन्द्रगडकर हैं। कोई उन पर प्रति-क्रियावादी होने का आरोप नहीं लगा सकता। वह भी चाहते हैं कि समाज में आर्थिक और सामाजिक परिवर्तन हों। वह भी चाहते हैं कि परिवर्तन की दिशा तेज की जाये। विधि आयोग में एक ऐसे भी सदस्य हैं—मुझे पता नहीं कि यह कहां तक ठीक है—जो विचारों से कम्युनिस्ट माने जाते हैं।

श्री एस० एम० बनर्जी : अच्छा है।

श्री अटल बिहारी वाजपेयी : लेकिन फिर भी विधि आयोग ने एक बुद्धिमत्ता का सुझाव दिया है। उसने कहा है कि अगर आप संविधान के दो निदेशक तत्वों—अनुच्छेद 39 (बी) और (सी)—को लागू करना चाहते हैं, तो उसके लिए अनुच्छेद 19 (1) (एफ) और (जी) का समावेश करना ही काफी है; शेष मूलभूत अधिकारों पर किसी तरह की आंच नहीं आनी चाहिए। इस का क्या उत्तर है? श्री मोहन कुमारमंगलम कहेंगे कि इण्डियन एक्सप्रेस का मामला हुआ था। वह सकाल समाचार पत्र के मामले का उल्लेख करेंगे। बीच में सर्चलाइट के मामले को लाया जायेगा। प्राइसपेज-शिड्यूल की बात कही जायेगी। क्या यह सम्भव नहीं है कि अगर यह मामला फिर से सुप्रीम कोर्ट में जाये, तो सुप्रीम कोर्ट अपनी राय बदल दे? सुप्रीम कोर्ट अपनी राय बदलती रही है। आज जो देश की हवा है, जो संसद् की भावना और परिवर्तन की इच्छा है, उसमें सुप्रीम कोर्ट से आशा की जा सकती है कि वह ऐसा निर्णय दे, जो प्रेस की स्वाधीनता और छोटे अखबारों के अधिकारों में संतुलन कायम कर सके। लेकिन विधि आयोग कहता है कि अगर इसके बाद भी आप के मार्ग में कोई कठिनाई आती है, तो आप दूसरा संशोधन ला सकते हैं। मैं चाहूंगा कि विधि मंत्री महोदय इस बात को ठीक तरह से ग्रहण करने का प्रयत्न करें।

मैं विधि आयोग की रिपोर्ट में से उद्धृत करना चाहता हूं :

> "In our opinion, the purpose which Article 31C has in mind would be effectively achieved if, instead of referring to Article 19(1) as a whole, reference is made to Article 19(f) and (g). It is these two clauses that are likely to be contravened by legislation contemplated by Article 31C, and, if a provision is made that no law passed with a view to implementing the policy enunciated in Article 39(b) and (c) contravenes, *inter alia*, Article

[श्री अटल बिहारी वाजपेयी]

19(1) (f) and (g). that would serve the purpose in view."

उसने आगे यह भी कहा :

"Freedom of speech and expression of opinion means not only freedom of speech and expression which is in conformity with the philosophy of the establishment, but more particularly freedom of speech and freedom of opinion which dissents from the philosophy of the establishment. This position no democrat can dispute."

लोकतंत्र में—यदि वह कम्युनिस्ट देशों जैसा जबर्दस्ती लोकतंत्र नहीं है, तो—सरकारें बदल सकती हैं, बहुमत में परिवर्तन हो सकता है। ब्रिटेन में कल जो प्रधान मंत्री थे—श्री हैरल्ड विल्सन, वह आज विरोधी दल के नेता हैं। आज जो विरोधी दल में हैं, कल वे सत्तारूढ़ हो सकते हैं। (व्यवधान) मैं सिद्धान्त की बात कह रहा हूँ। मगर ये लोग तो कयामत तक यहां रहना चाहते हैं। इसी लिए तो यह विधेयक लाया जा रहा है।

प्रश्न केवल आर्थिक और सामाजिक परिवर्तन की धारा को गति देने का नहीं है। प्रश्न अधिक गहरा है। आखिर सभी मूलभूत अधिकारों पर हमला करने का कारण क्या है ? उस का कौन सा औचित्य है, विधि मंत्री सदन को वह समझा नहीं सके और श्री मोहन कुमारमंगलम अपने सारे तर्कों के बावजूद यह विश्वास पैदा न कर सके कि सचमुच में सरकार का उद्देश्य केवल उतना अधिकार लेना है, जितना कि आज की परिस्थिति में आवश्यक है।

सरकार का इरादा क्या है, यह प्रस्तावित प्रेस बिल से पता लग गया है। वह सरकार के दिमाग की एक झलक देता है। आज प्रेस उद्योग की जो स्थिति है, उस से कोई संतुष्ट नहीं है। लेकिन कम्पनी ला एडमिनिस्ट्रेशन के किसी जायंट सेक्रेटरी को पब्लिक ट्रस्टी के नाम पर सारे अधिकार हस्तान्तरित कर देना प्रेस का चोर दरवाजे से सरकारीकरण करना है। यह भी एक रहस्य की बात है कि उस विधेयक का मसविदा अखबारों में कैसे निकला। पार्लियामेंट में वह विधेयक आया नहीं है। हमें उस विधेयक की कोई जानकारी नहीं है। लेकिन विधेयक अखबारों में छप रहा है और उस पर विवाद हो रहा है। अब कहा जा रहा है कि वह विधेयक नहीं है और खाली वर्किंग पेपर है। किंतु इससे पता लगता है कि जिन के हाथ में शासन की बागडोर है, उन का दिमाग किस दिशा में काम कर रहा है।

लोकतंत्र का आधार है विरोध को न केवल सहन करने का धैर्य, अपितु उस का समादर करने की उदारता। जहां असहिष्णुता है, जहां मतांधता है, जहां विरोध को गद्दारी मानने का भाव है, वहां लोकतंत्र समाप्त होता है और तानाशाही का उदय होता है।

अध्यक्ष महोदय, विधि मंत्री ने दावा किया है कि इस विधेयक से देश के आर्थिक और सामाजिक ढांचे के पुनिर्माण का मार्ग खुल जायगा। एक नये युग का शुभारंभ होगा। क्या यह मार्ग अभी तक बन्द था ? यह मार्ग किस ने बन्द किया था ? यह संविधान किस की देन है ? स्वाधीनता के पिछले 23-24 वर्षों में इस संविधान को अमल में लाने की जिम्मेदारी किस के ऊपर थी ? यह कहना भी गलत है कि हर मामले में अदालत बाधा बन कर खड़ी रहती थी।

भूमि सुधार के मामले में संसद ने संविधान में संशोधन किया और ऐसा संशोधन जिस के अंतर्गत भूमि सुधार संबंधी कानूनों को अदालत में चुनौती नहीं दी जा सकती। क्या कोई सत्तारूढ़ दल का सदस्य कह सकता है कि भूमि सुधार संबंधी कानून ईमानदारी से कार्यान्वित किए गए? क्यों नहीं कार्यान्वित किए गए? भूमिहीनों को बांटने के लिए अतिरिक्त जमीन क्यों नहीं बची? उस जमीन को क्यों नहीं वितरित किया गया? अब कहा जा रहा है कि भूमि की सीमा कम की जायगी। कम करने के बाद भी मुझे संदेह हैं कि भूमिहीनों के लिए भूमि बचेगी।

प्रश्न केवल संविधान को बदलने का नहीं है। प्रश्न इन्सान को बदलने का भी है। हमें मनुष्य में परिवर्तन लाना होगा। उसे अधिक कर्मशील, कर्तव्यपरायण और सेवा भावी बनाने के लिए हमने क्या किया है? श्री गोखले ने घोषणा की है कि सरकार उद्योग में, व्यापार में अधिकाधिक हस्ताक्षेप करेगी। सरकार का अर्थ है नौकशाही जो निकम्मी है, भ्रष्ट है, हृदयहीन है और जनहित का विचार नहीं करती है, केवल अपना विचार करके चलती है।

आज सार्वजनिक उद्योगों की स्थिति क्या है? कल हिन्दुस्तान स्टील के बारे में जो रिपोर्ट आई है वह क्या पुकार पुकार कर कह रही है। अभी किसानों से गेहूँ खरीदा गया, उस में कितना गोलमाल है? लाइसेंस देने में पक्षपात की कोई सीमा नहीं है। समाजहित कहां है। जनहित की किसको चिन्ता है? सभी कदम इस बात को ध्यान में रख कर उठाए जाते हैं कि इस से सत्तारूढ़ गुट की स्थिति मजबूत होगी या नहीं, इस के चुनाव में चन्दा मिलेगा या नहीं?

एक ताजा उदाहरण मेरे ध्यान में लाया गया है।

श्री गुजराल यहां बैठे हैं। नई दिल्ली में दस मंजिला मकान बनाने पर रोक लगी है। सरकारी मंत्रालय में दस दरख्वास्तें पड़ी हैं। इजाजत दी जा सकती है अगर ढाई लाख रुपये दक्षिणा के रूप में दिए जायें।.....

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI I. K. GUJRAL): I want to make a categorical statement that no application is pending. I must say that the opposition to bringing discipline in New Delhi's growth has come from his party, because they are mixed up with multi-millionaires.

श्री अटल बिहारी वाजपेयी: अध्यक्ष महोदय, नई दिल्ली में जनसंघ का बहुमत नहीं है। नई दिल्ली की म्युनिसिपैलिटी नामजद म्युनिसिपैलिटी है और मैं यह साबित करने के लिए तैयार हूं कि टेन मल्टी स्टोरीड बिल्डिंग की इजाजत बेचने के लिए दरख्वास्तें पड़ी हुई हैं।..... व्यवधान...

SHRI I. K. GUJRAL: I challenge him. If he proves it, I will resign. Otherwise he will resign.

SHRI ATAL BIHARI VAJPAYEE: I accept the challenge.

श्री पीलू मोदी: अध्यक्ष महोदय, यह बड़ा अनफेयर चैलेंज है। इन को तो लोक सभा की सीट लड़नी पड़ेगी

[श्री पीलू मोदी]

और उन को तो सिर्फ राज्य सभा में नामिनेट होना पड़ेगा।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे आश्चर्य है···(व्यवधान)···

श्री राम सहाय पांडेय (राजनंद गांव): अध्यक्ष महोदय, इस पर आप का क्या निर्णय है। बड़ी भारी बात हुई है। इन्होंने कहा कि इस्तीफा देंगे···(व्यवधान)·····

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैं तो यह कह रहा हूं कि मैं साबित करने के लिए तैयार हूं।

श्री आई० के० गुजराल : करिए करिए।

श्री अटल बिहारी वाजपेयी : मेरा कहना है कि आप अपने विभाग से पता लगा लीजिए·····

श्री आई० के० गुजराल : जनाब, आप ने यह एलीगेशन लगाया है कि पार्टी के लिए चंदा लेने के लिए···

श्री अटल बिहारी वाजपेयी : नहीं, आप ने इसबात का खण्डन किया है कि अपीलकेशन पड़ी हैं·····

श्री आई० के० गुजराल : जी हां, यह भी मैं खण्डन कर रहा हूं।

I stick to whatever I have said. If Shri Vajpayee cannot prove it, he will have to pay for it.

SHRI R. S. PANDEY : Sir, I suggest that a committee should be appointed to go into it and place all the facts before you so that you may come to a decision as to who should resign.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे आश्चर्य है कि चुनाव में सरकारी पार्टी को दो-तिहाई बहुमत प्राप्त हुआ है, तेलंगना प्रजा समिति के सदस्य भी कुछ दल बदल कर के सत्तारूढ़ दल में शामिल कर लिए गए हैं, फिर भी सरकारी पार्टी इस विधेयक के लिए कुछ विरोधी दलों की कृपा पर निर्भर है। उन्होंने धमकी दी तो सरकार का रुख बदल गया। आप ने कभी इस सदन में देखा है कि सदन के सामने एक संशोधन विधेयक मौजूद है, उस संशोधन विधेयक में विधि मंत्री ने संशोधनों की सूचना दी है और अब उन संशोधनों को और भी संशोधित किया जा रहा है ? क्या विधि मंत्री महोदय ने संशोधनों की सूचना बिना सोच विचार के दी थी? क्या उस के पीछे सरकार का समर्थन नहीं था ?

एक माननीय सदस्य : ओपेन माइंड है हमारा।

श्री अटल बिहारी वाजपेयी : वैकेंट माइंड है आप का। यह ओपेन माइंड का सबूत नहीं है। कल श्री गोखले ने महात्मा गांधी का उल्लेख किया और श्री मोहन-कुमार मंगलम मार्क्स का हवाला देते हैं। मैं पूछता हूं कि क्या महात्मा गांधी और मार्क्स का मार्ग एक ही है ? क्या योगी और कमिसार के बीच में कोई विभाजक रेखा नहीं है ? क्या भारत व्यक्तिगत स्वाधीनता की बलि चढ़ा कर आर्थिक विषमता को मिटाना चाहता है ? क्या राज्य को एक दैत्य का रूप देने का हमारी मंशा है ? क्या व्यक्ति के हाथों धन का और आर्थिक साधनों का केन्द्रीकरण रोकने के लिए हम

द्वारा केन्द्रीकरण राज्य के हाथों में करना चाहते हैं ?

सत्तारूढ़ दल ने एक समाजवादी समाज के ढांचे में अपनी आस्था प्रकट की है। वह समाजवादी ढांचा कौन सा है—दी सोशलिस्ट पैटर्न आफ सोसाइटी। मैं दूसरी पंचवर्षीय योजना ईयर में से उद्धृत कर रहा हूं :

> "The socialist pattern of society is apt to be regarded as some fixed or rigid pattern. It is not rooted in any doctrine or dogma. Each country has to develop according to its own genius and tradition."

भारत की प्रतिभा क्या है ? भारत की परम्परा क्या है ? व्यक्तिगत स्वाधीनता और आर्थिक समता में हम को समन्वय करना होगा। व्यक्ति के अधिकार और सार्वजनिक हित में मेल बैठाना होगा। यह विधेयक मेल नहीं बैठाता। यह विधेयक आवश्यकता से अधिक अधिकार लाता है और जो अधिकार लिए जा रहे हैं उन के दुरुपयोग की पूरी संभावना है। मैं चाहूंगा विधि मंत्री महोदय हमारा संशोधन स्वीकार करें। कम सम्पत्ति वालों को इस विधेयक से अलग करने की घोषणा करें। सारे मूल भूत अधिकारों पर हमला करने की आवश्यकता नहीं है। अनुच्छेद 19 (1) के अंतर्गत (ए) से (ई) तक मूलभूत अधिकार छोड़ देने चाहिए। आवश्यकता पड़ी और जनहित में हुआ तो आगे विचार किया जा सकता है। इस विधेयक में उन को लपेटने की कोई आवश्यकता नहीं है। धन्यवाद।

SHRI SEZHIYAN (Kumbakonam): Sir, I rise to welcome the Constitution (Twenty-fifth Amendment) Bill. When I say that I welcome this Bill, I want to make it clear that I welcome this Bill, as introduced in the House. My support does not extend to the amendments to the amendment of the Constitution brought forward by the Minister.

Even this morning we have been favoured with one more amendment, bringing it to about five amendments to the amendment of the Constitution.

Before I take that up I want to go on record here why we oppose the amendment while we support and welcome this move to amend the Constitution to give effect to the Directive Principles contained in Articles 39 (b) and (c). We want to be effectively and sincerely done. Only on that move we are very anxious that the present Bill should be put on a firm, sound and healthy base. In that respect I agree with Shri Indrajit Gupta.

Like Shri Indrajit Gupta I am also not a lawyer or a legal expert. I am not gloating over that; it is a handicap. But the people in my constituency, when they favoured me over an Opposition man, were fully aware of my handicap. In fact, in 1967 when I contested from that constituency, my opposing candidate was an eminent lawyer; not only an eminent lawyer but he was a bar-at-law, not only a bar-at-law but he was at that time the Minister of State in the Ministry of Law of the Central Government. Even though all the people were fully aware that he was a legal expert, a bar-at-law and the Minister of law, still they preferred my coming over here.

Why I say that is because we are here not because we are legal experts or legal luminaries or very well versed in all the legal Terminologies but just because the people thought that we would represent them more sincerely and effectively in this House.

It is often said that the Supreme Court is there to interpret the law. Then, I say,

[Shri Sezhiyan]

the Parliament is here to interpret the people. The will of the people should be the law of the land. That is the basic thing on which I am starting my speech on this Bill. We are here to express what the people desire and what their needs are. It is for the drafting department of Government to put them in a proper form.

They were speaking of "nexus" in regard to the introduction of the word 'adequately'. The only nexus I know of is of the teeming and hungry millions outside this House and their representatives sitting here.

From what I can see from the Bill, though I am not a legal expert, I feel that this Bill does not bring about any curtailment of the property right. It is not taking away the property right; it is only trying to curb the right to monopolise, the right to concentrate wealth and the means of production to the detriment of the public good. The question now before us is not of the property right or the violation of fundamental rights; it is of the implementation of the Directive Principles contained in the Constitution.

Shri Frank Anthony who is not here now gave a very horrid picture yesterday when he said that once this amendment was passed by this House, all the properties would be taken away; that his own library would be taken away and distributed. I do not have very much to fear from that consequence, because most of the Members here do not have any property worth mentioning; the millions of people outside also do not have any property worth mentioning. If at all we have to lose, we have to lose, the well-known chains of misery, poverty and suffering in this country.

Somebody mentioned about the definition of Blackston on property. I do not know whether even in England there is a fundamental right to property. I do not think there is. Even in France there is no right to property.

Somebody said that by putting through this measure, we are going toward totalitarianism, the communist way. Even if you take the Russian Constitution where socialism has been accepted as the basis even there, the right to private property is protected. Article 10 of the Russian Constitution says :

> "The personal property right of citizens in their incomes and savings from work, in their dwelling-houses and subsidiary husbandries, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law."

If it is the property built by his savings, by his own work, without entailing any exploitation of other men, to that extent, the private property is allowed even in Russia. Even if you go to the extreme end of socialism, personal property is protected.

We are more concerned with the means of production and the concentration of wealth the monopoly. We are talking of property we should know how many persons are going to be affected by it. This is the twenty-fifth year of our Independence. We are bringing in the Twenty-fifth amendment of the Constitution. The hon. Minister can celebrate the Silver Jubilee of the Constitution amendment. In saying that, I am not decrying that the Constitution should not be amended. You amend it any number of times till the wants of the people are to be fulfilled. If there are objections on that score, I bow my head to the Supreme Court or any other court to interpret the law. If the law does not express what I want, what I wish, then I am at full liberty to amend

it any number of times. It may be even 50 times. I welcome it and it should be done.

Here, I would like to say that we have been taking a very long time in going to the people and attending to the miseries of the people. The poverty in India is a well-known phenomenon. It has continued for centuries. Even after 25 years of our Independence, it is still there. As per the calculations, the statistics, gathered by the National Sample Survey and the projections carried out, even in the latest one taken in 1968-69, it has been found that 40 per cent of the rural population and 50 per cent of the urban population live below the minimum necessities of life. Even if you say 50 p. is required to buy the cheapest food possible in the market to sustain 2250 calories required for minimum subsistence to live on the sacred soil of India, even that is not given to as many as 50 per cent of the urban and 40 per cent of the rural population. I am giving the figure at the beginning of the Fourth Plan. At that time, out of 533 million people in India, as many as 224 million people were below this minimum subsistence level.

What are we going to do with these 22 crores of people who cannot get even the basic requirements to sustain themselves, not to speak of clothing, not to speak of housing, not to speak of any other amenities to have a decent human life? Even for those who are already born—family planning is there to control further additions—you are not able to provide them with minimum basic requirements.

Another thing that is being said is that you should increase the production and the growth rate if you want to abolish poverty. Throughout the world, it has been proved that even if production increases, unless it gets an equitable distribution, you are not going to raise the standard of living of the people. Here, I would like to quote one paragraph from the good work done by Mr. V. M. Dandekar "poverty in India" for those people who think that just by increasing the production, they will solve the problem of poverty. The production should of course be increased. But that alone is not a panacea to remove poverty. I quote:

"But a plan of economic development which accepts a national minimum and aims at assuring the same to all within the shortest possible time, cannot depend entirely on a high rate of economic growth."

"This is not a plea for a lower rate of growth, but a warning that a high rate of growth is not a substitute for deliberate policies to ensure equitable distribution of the gains of development. In the absence of such policies, the processes of economic development, as we have witnessed them in the past, make the rich far too rich before the poor can secure even the minimum, widen the gulf between the rich and the poor intolerably and inevitably undermine the democratic foundations of the economy."

Therefore, if you want to have democracy and a democratic foundation for which Mr. Mishra waxed so eloquent—I accept his eloquence—and also Mr. Vajpayee said that in our tradition we have democracy, I accept that also, the economy has to be put and constituted on a democratic basis. Unless the growth rate increases and the gains of development are equitably distributed, we will not have this poverty taken out of the millions of lives in our country. Unless this is done, it is going to be a very grave future for the country, not only for the country but for the very existence of democracy.

Legal experts are talking about the nexus. I am talking about the nexus of

[Shri Sezhiyan]

food to the common man. Unless you have got the equitable distribution as envisaged in Art. 39 (b) and (c), we are not going to have a control over the planned economy and over the gains that are going to come out of the economy. Our hungry millions have waited too long. In fact they have waited far too long. For centuries they have been groaning under suppression and oppression, in misery and poverty. India has become a proverbial country for its teeming millions and biting hunger. For twenty five years of independence they have waited. They have waited long in the queues for food. They have waited in the queues for employment. They have waited on the election day in a long queue to record their votes, to express their wishes, to give their command to the elected representatives. We gave some promises to them at the time of elections. You said, the elections were fought on the basis of '*Garibi Hatao*'. We have given them hopes and unless we fulfil those hopes, things may go beyond the reach of this Parliament and the courts.

Sir, it is said that the French Revolution was precipitated, as one famous historian put it, by 'Talk without action, authority without power, hopes without fulfilment.' That caused the French Revolution. We have raised hopes in the minds of the people. We have been talking about '*Garibi Hatao*'. If you don't follow it up with action, what will happen ? All these millions of people who feel so much hungry and the children who are like so many Oliver Twists, without a morsel of rice or a loaf of bread—their stomachs are not filled—one day they will all come, they will march into this very chamber. All the Oliver Twists now under misery may turn into Oliver Cromwells. They will not mind any of the prerogatives and privileges of this House. They will just march in and say to us: "We have waited too long and you have sat here too long for any good that you might have done. Depart, I say and let us have done with you. In the name of God, go." The Oliver Twists of to-day are the potential Oliver Cromwells of tomorrow. That is a dangerous thing for any democracy. Unless . . . (*Interruptions*) I support them because I feel that this is a correct, urgent and immediate step to be taken by any decent democratic government.

I for one was slightly puzzled at the stand taken by my hon. friend Mr. S. N. Mishra. I don't know whether he has supported the Bill or opposed it.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE AND MINISTER OF DEPARTMENT OF CULTURE (SHRI SIDDHARTHA SHANKAR RAY) : He has never said 'Yes' or 'No'.

SHRI SEZHIYAN : It is not clear. Now Mr. Mishra has given notice to many amendments. While speaking, Mr. Mishra has expressed his apprehension that it is socialism minus democracy. He said that this is only a lollipop of legislation. He also said that authoritarian trends are being introduced into this Bill. He demanded something more to be loaded in the same Bill, such as fair wages, minimum fulfilment, substance of socialism and so on. He talked very good things. I hope that the next time the hon. Minister is going to bring forward any Constitution amendment Bill to give effect to other Directive principles, our friend Shri Shyamnandan Mishra and his party would have been prepared to support that move. But Shri Nijalingappa's criticism has been more categorical. Speaking at Bangalore on the 8th November 1971, he has warned the country that they should beware of Government's attempts to interfere with Fundamental Rights. This is the criticism of Shri Nijalingappa about the introduction of this Bill, because he thought that Fundamental Rights were being eroded into and, therefore, he did not like this.

I was astonished to read an article that appeared in the *Political and Economic Review*, official organ of the Congress (O), and which had been written by Shri Mishra...

SHRI SHYAMNANDAN MISHRA: Which Mishra? I had not written any article.

SHRI SEZHIYAN: It was not written by my hon. friend here Shri Shyamnandan Mishra, but it was written by Shri S D Mishra. I think he is still the general secretary of the Congress (O). Therein, he has given the view that the Bill seeks to emasculate articles 19 and 31 of the Constitution guaranteeing the right to acquire and dispose of property and to protect it from arbitrary seizure and confiscation. He has also expressed his impression "that these amendments, if passed by Parliament, will open the door for establishing an authoritarian regime." That means, they do not want this Bill because it will open the door to an anthoritarian regime. This is what Shri S D Mishra has said. If my hon. Friend Shri Shyamnandan Mishra is going to oppose that stand I would welcome it, because it is a step forward from the stand taken by them earlier.

Yesterday, I paid very great attention to the great and big speech made by PM, not the Prime Minister, but Shri Piloo Mody. He said that it was skull-duggery, and in fact, he used all the epithets available to him against this Bill. But I do not think that he has represented fully the Swatantra party's point of view, because lately I understand that the national chairman of the Swatantra Party, Prof. N. G. Ranga, has written letters to all the Swatantra Members of Parliament that this Bill deserves to be supported. This is the opinion expressed and the request made by the national chairman of the Swatantra Party. I do not know whether he is going to continue as the national chairman of that party; it is for him and his party to decide. But he has expressed this opinion openly.

I understand that in the letter which he has written, he has talked about the March revolution that has taken place; he calls the last elections as the March revolution. After the March revolution, he feels that the party should reorient and reassess its policies.

Now, the trouble is this. Probably, the Cong. (O) is coming around and the Swatantra Party may also relent, but the ruling Congress is going back. Not the whole party but the leaders of the Ruling Congress Party are going back on this Bill.

13.43 Hrs.

[MR DEPUTY-SPEAKER *in the Chair*]

I want to make a very strong appeal with all the emphasis at my command to the judicial bench of the ruling party, that is, the bench comprising of Shri H. R. Gokhale, Siddhartha Shankar Ray and S. Mohan Kumaramangiam. They form the full bench for our House. I would like to ask them why they are backsliding. Whatever they had wanted from the masses has come; whatever support they had required has come from the Opposition parties also. Parties which were opposed to this or which appeared to be opposed to this are also coming around.

Why then are these leaders now going back on the earlier form?

Regarding two or three amendments which have agitated the House, I would like specially to refer to the one regarding minorities or while Shri Frank Anthony spoke very eloquently even at the introduction stage. I have very high regard for

[Shri Sezhiyan]

him and I appreciate and accept his sincerity also. As far as language is concerned, I am myself in a minority here. Everyone is in a minority in that respect. Even Shri Vajpayee is in a minority because he speaks a minority language, though it is a large minority in this country. Our fear is that taking advantage of the scope of the expression 'minorities' in this, "menied minorities" may continue then anteracial and erosion activities. The Birlas my goad West Bengal and say 'I speak a minority language. I am opening a college here for which propester are available from Rajasthan'. Therefore, you will be leaving room for the creation of innumerable trusts in the name of educational institutions and charitable causes. All the unaccounted money will be ploughed into such trusts. I do not know whether the hon. Minister have paid attention to this aspect. I strongly plead for minority rights, but whether this loophole will not be made use of is a question that should be taken into consideration. If one thing is already mentioned in the Constitution, it does not require a re-statement anywhere else.

Another point concerns the two-thirds majority. Basically I do not want this. This is not a constitutional amendment; any Bill brought under this is a constitutional amendment, whatever may be its far-reaching consequences. There are many items in the Constitution. To be clear, whatever legislation brought either at the Centre or in the States, whether it is the Bank nationalisation or the Privy Purses abolition Bill, all statutes should have been sanctioned under one or other article of the Constitution. That means that whenever you amend or bring forward a fresh Bill that should be sanctioned under one or other article; otherwise, it will be null and void. The logic that is now being brought forward is this : whenever you bring some statute under this provision on the Constitution, it will be on par with constitutional amendment Bill and so will have to be protected in this manner. That means that all such statutes require a two-thirds majority.

There are many provisions in the Constitution under which legislation can be passed without the two-thirds majority. Take for example Art. 3 under which Parliament has got the power to alter the boundaries of a State or even efface completely from the political map of the country a State. There a simple majority would suffice. Even for such far-reaching legislation, you do not need a special majority. Here under article 31 for whatever you do, you are insisting on a two-thirds majority. I am asking whether Government are withdrawing this. This is a very dangerous thing to be put into the Bill.

Then they want that all the State legislatures should pass such legislation with a two-thirds majority. As Shri Gupta said, this is a very fantastic thing.

MR. DEPUTY-SPEAKER : This can be discussed at the time the amendment is moved.

SHRI SEZHIYAN : At that time it will be 6. p. m. and there will be no time.

Because they go against the federal working and against the smooth functioning of the Centre State relation. The States should have been consulted and taken into confidence before introducing this new procedure.

Now, so much has been talked about the law and the sanctity of law.

MR. DEPUTY-SPEAKER : You have taken almost half an hour.

SHRI SEZHIYAN : All others have taken half an hour. For us law is not a

Sealed book, law is a living document, a document that gives a living to the people. Law is not a sword of oppression; should be a shield of protection to the community and the miserable lot in this country.

There is one more thing I would like to say. So much was said about statutes being not given effect to. That may be separate thing ; it may be a good statute but it may not be implemented effectively. We will take it up later. Now, the point is, a statute must be good in its construction, and in its wording. This Bill is landmark in the constitutional history of India, when the Government are taking statutory steps to implement the directive principles to curb monopoly, to curb the concentration of wealth and the means of production in the hands of a few.

Sir, I welcome this Bill.

MR. DEPUTY-SPEAKER : Shri Dharnidhar Das. It is your maiden speech, I suppose.

SHRI DHARNIDHAR DAS (Mangaldai) : Yes ; Mr. Deputy-Speaker, Sir, I rise to speak on the 25th Constitution (Amendment) Bill as has been placed before the House. I am not going into the constitutional niceties or the legal and other aspects of it. They have been dealt at length by many of the speakers who have preceded me. I am going particularly to point out some of the crucial questions which are involved in this Bill. First of all, I want to clarify one point regarding the Constitution, because so much importance has been attached to it. (*Interruption*)

MR. DEPUTY-SPEAKER : Mr. Das, you are not audible at all. Please come to the front.

SHRI DHARNIDHAR DAS : Yes. I want to remind this House and through this House the people, that this Constitution is two decades old. But the Indian Society or human society in the world has been in existence for several thousands of years. So, this Constitution or some chapters in this Constitution cannot be fundamental. It is the fundamental laws of social change and progress according to which society is advancing from primitive society, then to feudal order and then to the capitalistic order, and now it is passing on to a socialistic society.

This Constitution has come as a sequel to the great national performed revolution propertyless by the masses of India under the leadership of Mahatma Gandhi, Jawaharlal Nehru and many other progressive and socialist revolutionaries. We are having some measures of nationalisation for taking over property from big capitalists, and that has been considered to be too revolutionary.

But we are advancing towards socialism which is an extremely revolutionary process to change radically the established society in all its aspects. That kind of social order was envisaged long before independence. Forty years ago, at Karachi, the Congress passed a resolution on fundamental rights, human rights, labour rights and nationalisation of key industries. But what is the key factor that is standing as a road block to all these social changes, to bring about nationalisation or socialisation of the means of production? It is the right to private property. Mr. Frank Anthony bemoaned that when individual property is lost, individual liberty is lost. The fundamental question according to me is : what is the concept of property ? The discussion will be incomplete if we do not go into the fundamental concept of property.

14 hrs.

Before placing my arguments before the House, I want to quote a capitalist first.

[Shri Dharmindar Das]

One Mr. Deniel Hamillton, a capitalist of Great Britain had a discussion with Mahatma Gandhi in 1932. That capitalist said: "It is wrong to think that so much produce is capital; it is labour that is capital, and that living capital is inexhaustible. Many hon. Members quoted Mahatma Gandhi. Mahatma Gandhi said: "Labour is the current coin." Today we have to discuss who is the real owner of property. Those who make property or those who do not take part in production are owners of property? I repeat: Gandhiji said that labour was the current coin.

Now let me come to the other capitalist economists. Adam Smith and David Recardo were classical capitalist economists who gave the labour theory of value. What did they say? Wealth or property or capital is the creation of labour. That very theory was developed by Karl Marx and he deduced from it the theory of surplus value, which forms the cornerstone of scientific socialism.

Mr. Mishra raised the question of socialism. What is socialism? There are hundred varieties of socialism? When Henry Ford of America said that there was a strike one day here and another day there he asked his director: why has there been a continuous strike? Then the director said: well, the capitalist system has become unpopular. Then he replied: let us find out some popular name for capitalism. Somebody said: socialism is a popular word and so let us use that word for capitalism.

The word socialism has to be pinned down to a definite meaning. Socialism can have no meaning it if does not mean socialisation of the means of production and distribution. There is some misconception about the right to property. What does it mean? Let me make it precise and say that it is really the right to private property that is in question. The point at issue is whether this right to private property is to be retained or it is to be abolished. One who sticks to socialism must say that this right to private property must be abolished.

Some friends here criticised this Government and said that it has not been able to remove poverty or that the *garibi hatao* slogan has not been implemented. This right to property is the main hurdle or roadblock. We have to see the contradiction. This right to private properrty has negated the same right to 90 per cent of the population, it has robbed the private property of 90 per cent of the population. The proportion of the people benefited by this right to private property cannot be more than 0.1 per cent. On the other hand it has pauperised 90 per cent of the population. When we refer to the Directive Principles of State Policy and also speak about the failure in its implementation we can see how this right to private property has helped this 0.1 per cent to concentrate all national wealth in their hands.

In 1954 this Parliament adopted socialism as the goal of national planning or planned economic development. According to statisitics, in 1961, 52 per cent of the population were below the poverty line, and in 1968, 70 per cent of the population were below the poverty level. On the other hand, the Birlas had assets of Rs. 40 crores in 1947 which increased to Rs. 515 crores in 1967-68.

PROF. MADHU DANDAVATE (Rajapur): You are building up a case against the Government.

SHRI DHARNIDHAR DAS: This concentration cannot be removed unless private ownership of the means of production and distribution is abolished without compensation, and that is socialism. Socialism can have no other meaning. According to me, and according to any socialist having a scientific analysis in his mind, this property should be of three

kinds. One is personal property that goes into the consumption of consumer goods, including a house or even a car if necessary to increase a person's efficiency to increase social production. The second is social property which includes all means of production and distribution. And the third in our agrarian economy is co-operative property. So, there cannot be any private property, and there is no clash between personal property and social property or between social property and cooperative property.

So, this Bill represents the will of the people, it reflects the demand of the times. The demand is for socialism, and to have socialism, we must abolish private ownership of the means of production and distribution. Then regarding the confusion about small and big property. By just allowing our farmers to remain small landholders, we are forcing them to become poorer and poorer. To give them the advantage of modern large scale economy, their lands must be pooled in cooperative farming. That will open up the way for an agrarian revolution on Socialist line. This Bill is just opening up the way for bringing about all revolutionary changes in our society. This is the first step and Gandhiji said, 'one step is enough.' This is the first step that will lead to other steps incuitable for Socialism.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE AND MINISTER OF DEPARTMENT OF CULTURE (SHRI SIDDHARTHA SHANKAR RAY) : Sir, no apology on our behalf is necessary nor is any being tendered for having moved this Bill, which is being considered by the House today. According to us, this Bill is constitutionally correct, economically essential, politically proper and what is most important, morally just. I shall try to satisfy the House on all these four points before I sit down.

The difficulty that has arisen is not because of any inherent defect in the original Bill, but because of the attitude of some of the opposition parties. Mr. Vajpayee mentioned that the opposition parties must be respected and tolerated. Of course, they must be and we do respect and tolerate the opposition parties. Has not the Government consulted the opposition on every matter of national importance in the course of the last few months ? Has not our Prime Minister discussed with the leaders of every opposition party matters which are vital so far as the interests of the nation are concerned ?

SHRI SAMAR GUHA (Conta) : Without agreeing to any of our suggestions.

SHRI SIDDHARTHA SHANKAR RAY : If there is an ideological difference or a serious difference with regard to a matter of major policy, we cannot agree. Otherwise, we would not have been here sent by the people. We would have been there, rejected by the people. On broad matters of policy and on ideological matters, obviously we cannot agree to everything which the opposition says. But the opposition must be taken into confidence. Things must be discussed with the opposition and that is what we have done. The real difficulty is that some of the opposition parties I do not exclude Mr. Samar Guha from that are determined to be negative in a positive age. And, the result is clear. Everybody knows that negativism is the nurse of confusion and degeneration and leads inevitably to the political effacement of those who adopt it.

SHRI SAMAR GUHA : It is very nice to hear socialism from the new child of socialism.

SHRI SIDDHARTHA SHANKAR RAY : I know he is supporting this Bill and we are grateful to him. He believes in this ideology, but in many matters he takes up a negative attitude. Therefore, I mentioned him.

[Shri Siddhartha Shankar Ray]

What is the charge made against us? It was said by Mr. Mody with tremendous force and by Mr. Frank Anthony with great passion, that we are restructuring the Constitution—changing the basic character of the Constitution and as such, we stand condemned.

If by this charge it is meant that we are restructuring the Constitution, changing the basic character of the Constitution in so far as article 31 is concerned, as interpreted by a few learned judges of the Supreme Court, we are happy to tell this House and through it to the people of India that we are doing precisely that. We are changing the basic structure which some of the learned judges of the Supreme Court have imported into article 31. But if by that charge it is meant that we are altering the basic character of the Constitution, as framed by the children of our revolution, by our constitutional fathers, in so far as this particular article is concerned, our answer is a categorical 'No', although we know, as Justice Murphy had said in America once upon a time when such situation had arisen there that "constitutional fathers, fresh from a revolution, did not forge a political strait jacket for the generations to come." We do not however have to rely on this proposition. We are today trying to re-establish that which the Constituent Assembly of India" sitting here in this sacred House had wanted to lay down. This I shall be able to prove, not by resorting to superficial arguments or vituperative abuse, as indulged in by Shri Piloo Mody, or Shri Mishra, or Shri Frank Anthony, but by the cool logic of analytical reasoning.

Look at the question deeply and in the proper perspective and your answer cannot be different from the one which we are trying to place before this House. What did the framers of our Constitution do? What did they have in mind? Article 31 in our present Constitution was article 24 in the draft Constitution. When this article 24 in the draft Constitution was moved by Pandit Jawaharlal Nehru, there were various discussions and some said that compensation should be fair, compensation should be just, and others said "no, compensation would be as fixed by the legislature, and the judiciary should not be allowed to interfere in the matter at all." Therefore, Pandit Jawaharlal Nehru made it absolutely clear, when moving article 24 of the draft Constitution :

> "This clause says that the law should provide for compensation for the property and should either fix the amount of compensation, or specify the principles on which or the manner in which the compensation is to be determined. The law should do it. Parliament should do it. There is no reference in this to any judiciary coming into the picture. Much thought has been given to it and there has been much debate as to where the judiciary comes in. Eminent lawyers have told us that on a proper construction of this clause, normally speaking, the judiciary should not and does not come in. Parliament fixes either the compensation itself or the principles governing the compensation, and they should not be challenged."

Then he went on to say :

> "So far as we are concerned, we who are connected with the Congress shall give effect to that pledge naturally, completely, 100 per cent. and no legal subtlety and no change is going to come in our way. That is quite clear. We will honour our pledges within limits. No judge and no Supreme Court can make itself a third chamber. No Supreme Court and no judiciary can stand in judgment over the sovereign will of Parliament, representing the will of the entire community. It is obvious that no court, no system of judiciary can function in the nature of a third House,

as a kind of house of correction. So, it is important that withih this limitation the judiciary should function."

It was on the basis of that speech that our Constitutional Fathers passed article 24 of the Draft Constitution which became article 31 in our Constitution. This speech was made by Pandit Jawaharlal Nehru on the 10th September, 1949.

On the 11th December, 1953, the Supreme Court in Bela Banerjee's case suddenly decided that they were unable to agree with the view put forward by the Government and said :

"While it is true that the Legislature is given the discretionary power of laying down the principles which should govern the determination of the amount to be given to the owner for the property appropriated, such principles must ensure that what is determined as payable must be compensation that is a just equivalent of what the owner has been deprived of."

This judgment shocked the conscience of the nation, as a result of which the government of the day hurriedly moved the Constitution (Fourth Amendment) Bill. While moving the Resolution for referring that Bill to a Joint Committee Pandit Jawaharlal Nehru said on the 14th March, 1955 :—

"If I may say so with all respect to the judiciary, they do not decide about high political, social or economic or other questions. It is for Parliament to decide. The ultimate authority to lay down what political or social or economic law we should have, is Parliament and Parliament alone. It is not the function of the judiciary to do that. Now it so happens, "as I just said, there are some people here, many Members, who themselves participated in drawing up that Constitution in the Constituent Assembly and they naturally have their own opinions as to what was meant by the Constitution as drawn up. It was my privilege, in fact, to move this article or the corresponding one before the Constituent Assembly and I gave expression to my views as to what it meant fairly clearly then."

He says later on :—

"And, therefore, we have come to this House, to Parliament, now to change the wording to give effect to what was clearly meant then. The object of the amendments I am placing before this House is to clarify this matter, to make it in precise language perfectly clear so that the decision of this Parliament might not be challenged in regard to these matters in the court of law. Now I had thought when we passed this article in the Constituent Assembly that we had made it perfectly clear that Parliament would fix either the quantum of or the rules governing compensation and after that there would be no challenge at all. Well, instead of that, it has been challenged and, in fact, challenged effectively."

So, the Fourth Amendment Bill was brought forward for the purpose of stopping the jurisdiction of the courts from going into the question of compensation in any manner whatsoever. The matter went to the Joint Committee and on the 31st March, 1955 the Joint Committee reported in paragraph 2 of its report :—

"The Committee feel that although in all cases falling within the proposed clause (2) of article 31 compensation should be provided, the quantum of compensation "should be left to be determined by the Legislature and it should not be

[Shri Siddhartha Shankar Ray]

> open to the courts to go into the question whether the compensation provided in the law is adequate or not. Accordingly, a provision that the law shall not be called in question in any court on the ground that the compensation provided by it is not adequate, has been added at the end of clause 2."

The Joint Committee was also very clear.

Thereafter, on the 11th April, 1955, the Bill with the report of the Joint Committee came up before this very House and Prime Minister Jawaharlal Nehru, moving the motion for consideration of the Bill, said :—

> "Remember this that the sole major change is to make one thing clear which I submitted on the last occasion and was clear to us at the time this Constitution was framed; that is to say, according to the Constitution, as put forward before the Constituent Assembly and as it emerged from the Constituent Assembly, the quantum of compensation or the principles governing compensation would be decided by the Legislature. This was made perfectly clear."

And that was what was done by the Constitution (Fourth Amendment) Bill when it became an Act.

On that very day, on the 11th of April, 1955, another speech was made, a very eloquent speech, and I cannot help referring to it also, although in the end the speaker went against the Bill. In his speech, he said :

> " I pointed out when I spoke before this Bill was remitted to the Select Committee that only a purblind reactionary would stand in the way of the end of achieving a socialist welfare State. I made it clear that if article 31 or even if any of the judicial interpretations by the courts stood in the way of achieving a welfare State, those obstacles should be removed. I stated clearly that article 31-A should be made as wide and comprehensive as possible that it should include every element, every aspect of property which might be taken without compensation.....

—he was supporting taking property without compensation—

> .....which the Government consider necessary in order to achieve the welfare State. The Government may put in the element of property into article 31A which they may take for a public purpose without the necessary compensation if the Government think it necessary."

The hon. Member who made the speech was here yesterday making a very passionate appeal to the Government. He is none other than Mr. Frank Anthony. Am I entitled to say that on the 11th April, 1955 it was Dr. Anthony who was speaking and yesterday it was Mr. Frank who was addressing us ?

I remember Bernard Shaw saying somewhere that a person having an intellect of a superior character becomes more and more liberal as he ages, but a person having an average intellect becomes more and more restricted and conservative as he gets on. I shall leave it to Mr. Frank Anthony and his conscience to decide as to which category he would like to place himself.

After the Fourth Constitution Amendment Bill was passed, the Constitution said clearly that the courts cannot go into the question of compensation. Parliament in its supreme wisdom made it clear to the courts that the Constituent Assembly had

said that you cannot go into the question of compensation and that since you had not listened to it, today, we injunct you by this amendment from going into the question of compensation in any manner or form. But in spite of that, on the 5th October, 1964, we had a Judge of the Supreme Court, Justice Subba Rao by name, who delivered a startling judgment in the case of Vajravelu in which he said :

> "A scrutiny of the amended article discloses that it accepted the meaning of the expressions "compensation" and "principles" as defined by this Court in Mrs. Bela Banerjee's case.....It may be recalled that this Court in the said case defined the scope of the said expressions and then stated whether the principles laid down taken into account all the elements which make up the true value of the property appropriated and exclude matters which are to be neglected is a justiciable issue to be adjudicated by the court. Under the amended article, the law fixing the amount of compensation or laying d own the principles governing the said fixation cannot be questioned in any court on the ground that the compensation provided by that law was inadequate. If the definition of "compensation" and the question of justiciability are kept distinct, much of the cloud raised will be dispelled....."

The cloud was in the mind of the Judge, not in the minds of the Members of Parliament or in the minds of the people. He thought that there has to be a distinction between compensation and justiciability. Where was the distinction in the Fourth Amendment of the Constitution ? And then he went on to hold that this Act is bad, that compensation must be given in spite of what Parliament had said by passing the Fourth Amendment and that compensation must be paid at market value.

The last four lines in that part of his judgment were very important :

> "If Parliament intended to enable a Legislature to make such a law without providing for compensation so defined, it would have used other expressions like 'price', 'consideration', etc."

We have taken precaution this time. We are doing just that. We are doing away with the word "compensation" altogether and putting in the word 'amount' instead so that our Judges in future will note that the intention of Parliament was absolutely clear, that is to say, that the courts will have no power whatsoever to go into the question of the amount of money which the Government chooses to pay for any acquisition or requisition.

In so far as this judgment is concerned, I shall not use any harsh words—I should not, because we respect the Supreme Court—If we have brought this Bill today, it is not in any way to insult or belittle the Supreme Court. It is to save the Supreme Court from the people and the Constitution from the Supreme Court. Sir, we don't want our Judges to be maligned in any way whatsoever. We want our Judges, particularly, the Judges of the Supreme Court, to be placed in the highest pedestal possible. Therefore, we have taken care to see that they do not have to rush into politics. Judges should be above politics and Judges should apply the law as framed and as formulated, not try to amend the law by judicial decisions, by following a particular political philosophy. That is the purport and that is the intent of this amendmend.

Thereafter we had another judgment in Metal Corporation case. That was on 5th September 1966 where Mr. Justice Subba Rao said that compensation must be a just equivalent. Then we had Shantilal case on 13th January 1969 in which the Supreme Court expressly overruled the Metal Corporation case and said

[Shri Siddhartha Shankar Ray]

that in so far as the Vajravelu case was concerned, the observations were purely *obiter* and need not be taken into account. In this judgment, the Shantilal case, the Supreme Court Judges said that in their view such an inquiry was not open to the courts under the statutes enacted after the amendments to the Constitution. If the quantum of compensation fixed by the legislature is not liable to be canvassed before the courts on the ground that it is not a just equivalent, the principles specified for determining the compensation will also not be open to challenge on the plea that the compensation determined by the application of those principles is not a just equivalent. The Supreme Court said, 'No, we cannot go into the question of compensation' and reversed in effect the two earlier decisions. We were happy. The people of India were happy. Our Parliament therefore did not trouble itself to bring another amendment. Then came the Bank Nationalisation case,—what this case decided, I don't know. It is for my hon. friends to tell me what this case decided, because I don't think any person properly instructed in the law, while going through this judgement, will be really able to find out what were the principles laid down in this case excepting this that the Supreme Court said that compensation must be the market value. How? We do not know. The earlier judgment in Shantilal's case was not over-ruled and in fact five points emerged from the Bank Nationalisation case. Firstly, the Supreme Court did not expressly state which of the opposing views was correct. (2) The Supreme Court took into consideration the views expressed in Vajravelu's case and applied the same to the facts of the particular case. (3) The common principles sought to be extracted from both the cases are more in accordance with the views expressed in the Vajravelu case rather than in Shantilal's case. (4) The Courts should decide on the facts of each case whether the principles laid down for determining compensation in a particular statute are relevant or appropriate principles and lastly the net effect appears to be that the immunity from challenge upheld in the Shantilal case has been removed.

We cannot, possibly I am sure, no responsible Member of Parliament would contest this proposition that I make.—We cannot, Parliament cannot, a responsible Parliament cannot allow the law to be in this state of confusion. Therefore, this Bill has made the law clear. First the word, 'compensation' is being removed and the word 'amount' put. Secondly the Directive Principles in Art 39 (b) and (c) are being implemented. Thirdly if, article 31 is satisfied, a challenge on article 19 is being prevented and prevented because that was the law previously, but the Supreme Court again reversed its own decision. Lastly, the matter has been taken beyond the purview of the courts in clear and categorical language.

In spite of all this, Shri Atal Bihari Vajpayee, the leader of the Jan Sangh, of course got up and got angry and said things against us. I am tempted to describe Shri Atal Bihari Vajpayee as a person who always loses his temper when he is called upon to act in accordance with the dictates of his reasoning. And this is because he knows that he and his party can be very easily exposed.

They have brought an amendment, and this amendment, very quietly brought, discloses the social philosophy of the Jan Sangh party. They have said :

> "Provided that where any law makes any provision for the compulsory acquisition of any property of market value of less than rupees three lacs, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof."

The effect is that if any property is worth Rs. 3 lakhs or less, you must give full market value for that property. The voice supporting this amendment may be the voice of Shri Atal Bihari Vajpayee, but if I may misquote the Bible a little, the hand is the hand of the monopolist, because he is suggesting that urban ceilings should never be imposed, because for every property worth less than Rs. 3 lakhs, you have to pay market value. Suppose a person has 20 properties, let us say, in the city of Delhi or in the city of Bombay or in the city of Calcutta, each worth Rs. 2.95 lakhs, you will have to pay him the full market value compensation for each of the properties that you acquire.

SHRI ATAL BIHARI VAJPAYEE : That is a distortion.

SHRI SIDDHARTHA SHANKAR RAY: My hon. friend said that this is a distortion. Where is that distortion ? The language of the amendment is very clear. It reads thus :

> "Provided also that where any law makes any provision for the compulsory acquisition of any property of market value of less than rupees three lacs, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof."

We all know that in so far as companies are concerned, a person owning shares worth about Rs. 2.95 lakhs market value is in effective control or is in actual control of, the company. If Government wants to acquire those shares, Government will have to pay hundred per cent compensation according to market value.

I am not mentioning any one of the unseen persons here, but suppose Mr. X, a great industrialist or Mr. Y, a great monopolist has shares all over India in various concerns.....

AN HON. MEMBER : And in various names.

SHRI SIDDHARTHA SHANKAR RAY :...and the block of shares in each corporation is less than Rs. 3 lakhs, say, it is Rs. 2.95 lakhs or Rs. 2.80 lakhs, Rs. 2.70 lakhs and so on, and it is through those shares that he carries on his monopoly and controls all those companies— Suppose the Government want to abolish monopoly and we want to take those shares, we shall have to pay full market value for each of the shares. That is what the Jan Singh stands for, and that is exactly the social philosophy which has been clearly disclosed by this amendment and which Shri Atal Bihari Vajpayee proposes to propagate.

He has to keep a front. Therefore, he has to talk about the small landowners, shopkeepers and so on and so forth. But the real persons that he wants to protect and whom he has at the back of his mind are the industrialists, the monopolists and the large capitalists.

SHRI HEMENDRA SINGH BANERA (Bhilwara) : And he has been doing it all this time.

SHRI SIDDHARTHA SHANKAR RAY : Shri Shyamnandan Mishra is the leader of a party which is now nameless. I have not said 'shameless'; I have merely said 'nameless'. I am told Shri Mishra is a Shakespearean authority. Therefore, to him I shall give a piece of advice, an advice which was given to the novices in the nunnery in Measure for Measure : The Duke had gone to the nunnery and the advice that was given to the novices in the nunnery was : 'If you speak, you must not show your face or if you show your face, you must not speak'. This is the advice which, with great respect, I think Shri Mishra should follow.

[Shri Siddhartha Shankar Ray]

Shri Mishra as the leader of a nameless party has an insatiable curiosity to know everything except what is worth knowing. He knows the price of everything but the value of nothing. His opposition to this Bill is because he does not like us. I am reminded of the poem about Dr. Fell.

I do not like Dr. Fell.

The reason why, I cannot te

But this I know and know very well

That I do not like Dr. Fell.

Shri Mishra does not like our policies because he does not like us, the reason in respect of which he can never give us. Shri Mishra is not here. He often loses his temper. If he was here, I would have made a request to him, the same sort of request that Lord Darlington made to a friend of his in Lady Windanere's Fan :

You have lost your character

You have lost your money

Now in the name of God do not lose your temper.

I would slightly alter the language. I would say :

You have lost your name

You have lost your political character

Now in the name of Shri Kamaraj do not lose your temper.

In so far as the CPI(M) was concerned, we heard a speech which we always hear, full of cliches, full of slogans, full of epithets and high-sounding phrases signifying nothing. That party is determined to show that if it has not got genius, it can at least be dull in the belief that one day dullness may be regarded as the coming of age of seriousness.

The Swatantra Party—Shri Piloo Mody has disappeared—what shall I say about it ? I have always said that the Swatantra Party had no vision—Of course, Shri Patel is here. But I had no idea whatsoever that their vision had been so impaired, for when Shri Piloo Mody and Shri Patel also, look at us, the Law Minister, the Steel Minister or me, three huge, hulking males, hulking human beings, they think that they are actually seeing mice. Shri Mody has always referred to us like that. That is the nature of his present vision. I am sorry for Shrimati Gayatri Devi because if Shri Piloo Mody proceeds in these realms of fancy, he will a moment later say that Shrimati Gayatri Devi is the farmer's wife running with a carving knife to cut off the tails of the three blind mice. But then what can you do ?

I had described on an earlier occasion that the Swatantra Party was a glamerous party. It is also perhaps a civilised party. Why a civilised party ?

Sir, in Wilde's In a *Woman of no importance*, Lord Illingworth was asked by Kelvil which was a better institution, the House of Lords or the House of Commons. And Lord Illingworth replied. "The House of Lords was a much better institution, of course; we in the House of Lords are never in touch with public opinion. That makes us a civilised body."

The Swatantra party is never in touch with public opinion, and therefore that perhaps, according to them, makes it a civilised body. I have talked about Mr. Mishra. He has left. When I had said that his party had no name, perhaps he would have hurled back Shakespeare at me and said, "What is in a name ? A rose called by any other name smells the sweet." My answer to him would have been that you are no rose; your party, whatever its name was, or whatever its name in the future will be, was no rose, and the people of India certainly did not think that you smelt sweet.

In so far as their arguments were concerned, they were all coloured. They were not rational; they did not take the historical factors into account; they did not take into account the fact that we are trying to do today what the Constituent Assembly had in fact already done. We are trying today to make it abundantly clear whatever the children of our revolution, the constitutional fathers, had wanted to have in the constitution.

Sir, the regime of property, which I suppose some of our friends opposite want us to continue, is fraught with grave dangers, and I do not think that I can do better than seek the indulgence of the House to read a paragraph and a half from Harold Laski.

Harold Laski says :

"Production is carried on wastefully and without adequate plan. The commodities and services necessary to the life of the community are never so distributed as to relate to need or to produce a result which maximises their social utility. We build picture palaces when we need houses. We spend on battleships what is wanted for schools. The rich can spend the weekly wage of a workman on a single dinner, while the workman cannot send his children adequately fed to school. A rich debutante will spend on an evening frock more than the annual income of the workers who have made it. We have, in fact, both the wrong commodities produced, and those produced distributed without regard to social urgency. We have large class maintained in parasitic idleness, whose tastes demand the application of capital and labour to the satisfaction of wants unrelated to human need. Nor is that class set apart from the rest of the community. Because it has the power to make demand effective it stimulates the slavish imitation of those who seek to join its ranks. To be rich becomes the measure of merit; and the reward of wealth is the ability to set the standards of those who seek to acquire wealth. But those standards are set, not by the satisfaction of moral purpose, but by the satisfaction of the desire to be rich. Men may begin to acquire property to safeguard their lives from want, but they continue to acquire it because of the distinction which comes from its possession. It satisfies their vanity and their lust for power; it enables them to attune the will of society to their own."

"The result is what might be logically expected from such an atmosphere. They produce goods and services, not for use, but to acquire property from their production. They produce not to satisfy useful demands, but demands which can be made to pay. They will ruin natural resources. They will adulterate commodities. They will flout dishonest enterprises. They will corrupt legislatures: They will pervert the sources of knowledge. They will artificially combine to increase the cost of their commodities to the public. They will exploit, sometimes with hideous cruelty, the backward races of mankind. They infect with their poison those why work for the wages they offer. Theo induce sabotage in its varied forms. They compel strikes which result in serious damage to the community."

"And it is the grim irony of the system that the vaster part of those engaged in its promotion have little or no hope of enduring gain from the process they support. They may destroy the quality of political life. They may possess themselves, as in America, of the educational instruments of the community. They may even pervert religious institutions to the protection of their ideas. They do not, neverthe-

[Shri Siddhartha Shankar Ray]

less, secure a well-ordered State. It remains historically obvious that a community divided into rich and poor is, when the latter are numerous, built upon foundations of sand."

If we are to survive as a stable democracy, we must see, we have to see to it that our foundations are not laid on sand. It is for this purpose that the Bi has been introduced. It is for this purpose that we are seeking the support of the House to this Bill. We certainly recognise the right to property but when public purpose and the right to property are in conflict, obviously public purpose must have way. We are more person-conscious than property-conscious. We want to raise man to the height to which he should be raised; we want to restructure our society; we want the aims and aspirations of our people to be fulfilled. To that end we are determined to presevere, and work to do every thing possible to achieve that goal. With these words, Sir, I support this Bill.

SHRI V. K. KRISHNA MENON (Trivandrum) : Mr. Deputy-Speaker, I shall not try, if you allow me to say so, to push in open doors because a big majority of the House and the country are in favour of the general purposes of the Bill, that does not mean that legislation should necessarily, on account of these circumstances, be rushed through in the way it is, and should not go through the scrutiny which is possible. My friend Shri Siddhartha Shankar Ray referred to Prof. Laski's quotation. He also said at one time about the right to property that it means that a man can own a tooth brush; that does not man that we may not nationalise tooth brush factories; we are entitled to keep our own cloth; that does not mean that we may not take under public control textile factories. All that is true.

The debate has been pitched to highlight three points. One is: attack on property, or against property. Distinguished lawyers have taken it upon themselves to deliver a tirade against judiciary. I want to say that while the judiciary is prone to all these things, every litigant who loses the case blames the judge and then goes and blames the lawyer next. I also want protection from the executive; a citizen wants protection from the executive. When the judiciary intervenes, very often it is when the legislature goes beyond the powers that it has appropriated to itself. This legislation has come here inevitably on account of certain occurrences in the Supreme Court of India where its decisions had the effect of marring social progress and progress towards egalitarianism. Also, these decisions were different from the ones that were there before. I take the support of Mr. Gokhale in this because he does not say he believed in socialism a good man; he says: I am trying to restore what was not there. That is to say, until these judgments which are so often talked about, it was generally understood that the fundamental rights were for the protection of the poor and less privileged and not for the protection of property. Somehow or the other they veered round in that way and the question of the quantity had become so relevant.

Having said so I want to come to some concrete matters. In the first part of the amendment, Government takes the power to substitute 'amount' for compensation. I leave it to the legal advisers to discover for themselves whether thereby they have escaped any troubles from the Supreme Court. If I were to ask as a layman: what is this amount given for Government cannot give money for nothing; it will be given for purpose that purpose is compensation. That is why the amount is given.

Therefore, you come back to that, but that is not my main point.

This legislation simply says "amount". All these amounts will come in regard to different items, different purposes and different legislations. I want the Government to assure the people that this would not be another piece of delegated legislation, conferring unguided power on a lot of officials, that is to say that equal properties which are taken over would not be unequally treated, that is to say there will be no attempt to open the doors of corruption on a large scale on the one hand and injustice on the other. Therefore, it should be particularly stated that this legislation does no more than make a permissive provision and that the modalities have to come hereafter, that is to say how it is to be acquired, how the ordinary citizen is protected etc., have to come hereafter.

It does not require much argument to say that the people require protection from the executive. We had the spectacle yesterday of the Home Minister making the most cynical speech I have ever heard a Minister make. When people are beaten to death in jail, he talks about prison reform. Why not a mothers' meeting instead? Therefore, we require protection from the executive in the country.

The second thing that I want to say particularly to my learned friend Shri Gokhale is that it appears to me that it is wrong to talk about a judicial review. Do the courts review legislation or interpret legislation? The effect may be that whatever you have done may be reversed and so on, but if we ourselves say that they have the right to review legislation, we are giving them more power. Their business is to interpret the law in force, and if that law is misinterpreted or if you think the interpretation should change, then it is up to Parliament to change it. That has been done before in America, in England, where it is said that what the courts do not give Parliament gives, and everywhere. Therefore, to take the view that they have some power of a judicial review or that we are correcting it, I think, would be doing a disservice to ourselves, because we are conferring on the judiciary a power which they themselves have not claimed. There is no question of a judicial review. They can interpret legislation. That interpretation may have the effect of nullifying the whole thing, of changing it and so on. It has gone on for years in that way.

With regard to the observations made by the Law Minister, I think it was a great pity and I am sure that is not the intention of the Minister concerned, it may be the intention of others. In this large country of ours, the judiciary is not only the Supreme Court. A large number of smaller Judges are sitting everywhere, and for good reason or other, they enjoy a degree of confidence in spite of all that has happened in the country. If we go round and speak in this Parliament, if Ministers, the Prime Minister and everybody else were to say that these are people—what did Mr. Gokhale say?—who belong to three generations back or something of that kind, that only shows that even a Judge who becomes a Minister afterwards can say something which is silly. That is all it means, nothing else. In the positions we have, if we come up here and indulge in wholesale condemnation in this way, we cannot expect the ordinary person, the litigant and others, to have any respect for the judiciary.

Our judiciary is not respected in the sense of worshipping an idol. In the parliamentary system, there are different branches of polity as such, though we have no separation of power. And I suppose that even in a communist society there will be courts, even in a Jana Sangh society there will be courts, even in a Swatantra society there will be courts. And even if there is no organised society, even in Pre-human existence there is a degree of adjudication

[Shri V. K. Krishna Menon]

even among animals as such. Therefore, at some point it is done, and therefore it appears to me that in an advanced system like representative democracy, it will be a a great mistake to enable people to say that the great people are saying that the judiciary is nothing, and so they will also say the same thing.

Recently we had the instance of the ruling party entering the premises which were in the possession of somebody else. Two days afterwards some body came to see me. He was occupying a house as a statutory tenant. The landlord and his family went into his room, performing whatever they perform by way of a protest, and he said that if Mrs. Gandhi could go to Jantar Mantar, why can't I go here. I am not exaggerating. These are different questions, and these people have no right. They are statutory tenants, they can live there.

Therefore, in the further stage of this, the modalities of this, each piece of legislation has to come here. When it comes here I hope Government will remove all doubts that exist in people's minds that these powers would be used for either political or individual purposes or in defiance of the requirements of good conscience equity and will be administered in that way.

15 hrs.

I do not know what amendments there are. I was not here this morning. Mr. Gokhale must have made up his mind by now. I am not concerned about it. These are all very small, compared to the main issue. This legislation is necessary. There will be more amendments to this Constitution, because this is a growing society. Whether wisely or otherwise, those who drafted the Constitution decided to put everything into it, including the salaries of judges, where you may sit and where you may not and the rest of it, with 365 or 465 articles or whatever their number is, and a large number of Schedules. The more detailed the Constitution, the more the number of amendments that will come. Usually, people think that if you put everything into it, you would not have to put anything afterwards. But that has not been our experience. That is probably the reason why we had so many amendments in so few a number of years. There will be more amendments, which reflects the fact that there are changes, whether for good or evil in our society, which is a good thing.

There is an amendment which have been discussed and which the newspapers tell me Government is going to accept. That is in regard to minorities. I am sorry Mr. Anthony is not here. I am sure what I say will not be popular. I can understand special conditions for a school run for minorities. But I fail to understand how a school can have a special treatment because the school is run by a member of the minority community. All I have to do is to get hold of a member of a minority community—Mr. Gupta, for example—and make a trust and put it in charge of him. That is to say, this is one of the subterfuges that will be adopted. All schools in our country are more or less under a general system. They appear for the same examination one way or another and whether backward or forward, they are all poor. Therefore, the real issue is, whether there should be a special provision in regard to educational institutions. I had hoped that Mr. S. S. Ray, with this titular control over education, perhaps would have said something about it. What we are really concerned about is education. There is no reason why a comparatively harsh provision should not be taken away in the interest of education for all, because the so-called minority institutions have large properties whereas the overwhelming majority of people are people who do not belong to those minority communities. Even about reservation, this and that,

which we have illogically followed for so many years, I am not saying anything about that. These are not schools for minorities, but these are schools of minorities. If the amendment had said "schools for minorities", there may be some logic in it. But when it says "schools of minorities", it is merely creating a privileged class under this cover of minorities as such.

May be my understanding is very little, but I have not been able to understand all this fuss about directive principles. Would you have legislation saying "we are implementing the directive principle" or, would you have legislation saying "we are going to have free education" ? That is to say, the legislation that comes will be something specific. Therefore, this purely political clap-trap and vote-catching. That is to say, we are now elevating the directive principles to the pedestal of fundamental rightss and so on. That seems very illogical, because the general charge is, you have pulled down the fundamental rights; how can you elevate this ? Therefore, all this controversy whether it should be amenable to courts or not becomes unreal in that way. Of course, if you abolish the courts, there will be no trouble from them. But so long as there are courts, things will be justiciable. The question whether a thing is justiciable or not itself will go to the court. Anybody can go there with a complaint and the judge, if he is so disposed—most of them would be—admitted. Whether the ballot papers are chemically treated or not is a case.

Any body can go and complain. Therefore, it is a futile exercise, in my opinion. But, of course, futility is part of life and, therefore, they can do so. Therefore, I support the amendment of the Constitution but I do not support the arguments advanced for it. It reminds me of what an old judge said to his junior: give your conclusions, you are bound to be right, but never give your arguments because you are bound to be wrong. That is the position. Without lengthy speeches, and calling everybody names when your ideas come in conflict with theirs, without accusing the opposition of performing some balancing acts this would have been very much better.

It could have been said that this amendment had become necessary because of the bank nationalisation. Here may I say that we will give a large amount of money to many of the banks as compensation not because the court said so but because the government mismanaged bank nationalisation; because they mismanaged the taking over of the banks, they had to pay Rs. 40 crores more than what they should. So, the present Chief Justice, when he was a Judge, said that government could have done it in a other way. Therefore, you cannot find a stalking-horse for your own mistakes in this way. Any amendment of the Constitution, taking away a comma or full stop, that alone is not going to help you.

Sir, since you are looking at me, I am always terrified at the Speaker's eye; I do not say evil eye.

MR. DEPUTY-SPEAKER : Other hon. Mem bers are looking at me.

SHRI V. K. KRISHNA MENON : I did not feel it because I am always looking at the Speaker; I am not looking at the other Members of Parliament.

So, to attempt to fasten it on somebody is not sufficient. May I say in conclusion that legislation has its pwn limitations ? If legislation is so efficacious there would be no untouchability in this country because it is said that untouchability is abolished by law. The emphasis is on the word "law". It is abolished only in law, but not in practice. That is what it means.

[Shri V. K. Krishna Menon]

For 50 or 60 years we have this child marriage restraint legislation in this country. When I say this, I hope no body is offended because a great majority of the marriages in this country are child marriages. So, mere legislation will not do.

There are people who advocate legislation for price control. It will only result in black marketing. In a capitalist system it will only lead to greater corruption and nothing else. It is true that anti-social elements have to be hanged by the neck, but that is another matter. Control is necessary but that is possible only in a planned society. How can you introduce control in a state of anarchy? Of course, this is no a part of the argument in relation to this Bill.

I, therefore, conclude by saying that we all, particularly the Members of Parliament owning governmental responsibilities, must be aware of the limitations of the efficacy of the legislation. Very often it leads to opposite results. Because, we tell ourselves and we tell other countries this. For example, when other countries talk about untouchability and child marriage we say "Oh yes, we have abolished them by law". Therefore, we must be sure about that.

The modalities by which these principles are to be implemented will naturally come before Parliament. I hope the Law Minister will consider this point that these modalities must be of a quasi-judicial character and not conferring naked, uncontrolled, untrammelled powers on Ministers, good, bad or indifferent, upon officials, indifferent corrupt or otherwise, and the results of their action visit upon people who cannot fight them.

SHRI SAMAR GUHA (Contai): Sir, the Socialist Party whole-heartedly support the principles of removal of the compensation clause from the statutory provisions of the Constitution. The socialists in India for the last 35 years have ceaselessly fought for ensuring scio-economic justice to common masses. It should be remembered that in this House the eminent socialist, late lamented Nath Pai, fought valiantly for the supremacy of Parliament over the Supreme Court. It was his main objective to remove the hurdles from the statutory provisions of the Constitution which deal with the implementation of socio-economic justice.

It should also be kept on record that Shri H. V. Kamath, one of the socialist leaders, fought in the Constituent Assembly tooth and nail not to incorporate property in the categories of fundamental rights. He also fought for the supremacy of Parliament over the Supreme Court.

Now-a-days the whole concept of property right has undergone a radical change. The concept of property which is not essential for the fulfilment of human values, which is used as an instrument of accumulation of greater property, for exploitation of the toiling masses who essentially produce that wealth and property, for concentration of wealth in a few hands, and as a lever for control of social, economic and political power, is no longer appealing or sacrosanct even in a capitalist society.

Dr. Ambedkar mentioned that the Directive Principles were not a mere 'pious declaration'. Pandit Jawaharlal Nehru called these Directive Principles—a 'dynamic concept'. But, unfortunately, during the last 25 years of Congress rule over this country, that dynamic concept of Pandit Jawaharlal Nehru has remained almost completely static.

In regard to socialist objective of free India, here I want to quote a few words uttered by Netaji Subhas Chandra Bose in

1931 as the President of the Naujawan Congress Committee. He said :

> "I want a Socialist Republic of India. I want political and economic freedom and complete economic emancipation. Every human being must have the right to work and a right to a living wage. There should be no drones in our society and no unearned incomes. There must be equal opportunities for all. Above all, there should be fair, just and equitable distribution of wealth. For this purpose it may be necessary for the State to take over the control of the means of production or distribution of wealth."

As President of the Haripura Congress he had the courage to reiterate this principle when he said in 1939 :

> "The State will adopt a comprehensive scheme for socialising our entire agricultural and industrial system in the sphere of production and distribution."

Again, he reminded the freedom fighters of our country sometime afterwards that in free India,

> "That the State will work as the organ or as the servant of the masses and not as a clique or coterie of a few rich individuals. "

He tried to radicalise the Congress from within, but he failed. After that, do you know, how he characterised the organisational nature of the Congress ? I again quote Netaji Subhas Chandra Bose about what he thought was the character of the Congress. He said :

> "This Congress Party is based not on radicalism but on adjustment, adjustment between landlords and tenants, between the capitalists and the wage earners, between the so-called upper class and the lower class."

The character of the Congress, despite its sudden radical posture remains the same, is based on the Concept of the policy of adjustment. The Congress (R) leaders are making certain political stunts for having some form of a legal socialism. By much more they want to have that radical posture. They want to become the socialist harbingers of the country but they essentially remain as they were before.

This Bill should have been brought in the First Session of this Parliament ; if not in the First Session, it should have been brought at least in the Budget Session of this Parliament. It was overdue. Why has this Bill been brought just now? Just as the Bank Nationalisation Bill and the Bill for the Abolition of Privy Purses were brought before at elections. A doubt arises in our mind how can I help it because this Bill is also just before the next general election—that this abolition of the compensation clause is not another political stunt ? In a democratic society when you are going to enact such a fundamental law, the people should have also been involved in it to clearly understand its basic implications. But the mind of the whole people is now absorbed in the events that are happening in our border areas, particulary in the liberation struggle of Bangla Desh.

Therefore, I should say, this Bill should have been brought before. But, unfortunately, as I said, it is for the political purpose, for politically Cashing in the next General Elections, that this Bill has been brought forward.

The Law Minister, Mr. Gokhale, who had schooling in an organisation of democratic socialism for the last 20 years made certain serious observation, and cast certain regretable reflections on the Supreme Court and he also laid down a certain potentially dangerous relationship between Fundamental Rights and Directive

[Shri Samar Guha]

Principles. Before I take up those things, I want to know from the Government one thing. Mr. Siddhartha Shankar Ray, Mr. Mohan Kumaramangalam and Mr. Gokhale himself said that this Bill is something aimed at changing the whole social structure of the country and is also aimed at having a socialist society based on democracy. If it is so, I want to know from them what is their concept of changing structure of our society. That has to be made clear in the minds of those who are connected with this Bill.

I again quote the words of Netaji Subhash Chandra Bose, who as the president of the National Congress, of the days of national struggle laid down three principles for the guidance of the development or evolution of the future destiny of India. He said :

"Freedom, democracy and socialism should be the triple principles which will guide the future destiny of free India."

He did not use the word "socialism" before "freedom" and "democracy" because, according to him, freedom and democracy are two cardinal principles of socialism.

I ask the Congress Members, the new converts to socialism, what type of socialism you want? Is it totalitarianism Marxist type of socialism you want or a socialism based on the two fundamental pillers of freedom and democracy ? The way in which you are hurrying through to adopt this Constitution Amendment Bill, the observation that you are making about relationship between Fundamental Rights and Directive Principles and also certain reflections you are casting on the Supreme Court,—you should be careful about it because you are opening the gates of something else, you are opening the gates of, I should say, toward opening the gate of a totalitarianism system under the garb of so-called democratic socialism.

The Law Minister accused the Supreme Court of "blocking the social change." He accused the Supreme Court of making "political judgment on political issues." Not only so, he further used a gimmick in which he said that the Supreme Court, in doing so, had "judicial somersault." If these gimmicks were to come from the mouth of some Marxist hawks inside the Congress, who are working not for the party but for some others outside, if it were to come from the Marxists monopolists of the socialist thought, I could have understood it. But while professing democratic socialism, how the Law Minister accuses the Supreme Court ? What is the meaning of such sweeping accusations ? It means that the Supreme Court has acted under the compulsion of a class motivation, or under the compulsion of a political motivation.

In a Parliamentary democracy, what is the mechanism of enacting statutes in our country? As Mr. Krishna Menon said, it is the function of the legislative body to propound the laws and the function of the judiciary is to defend such laws. A legislative body is the maker of the law and the judiciary is the interpreter of the law. If the legislative body in making laws leaves certain loopholes and if the judiciary finds them out and show them to you, is the judiciary to be blamed ? In the case of the Bank Nationalisation Bill or the Privy Purses Bill, I should say, you left certain loopholes in framing your laws and those loopholes were pointed out by the Supreme Court. To say that they have acted with political motivation or with class motivation—this type of accusation against the Supreme Court—I should say—before making this accusation, you should have thought hundred times. In the mechanism of political democracy, there exists a relation of a battle of wits between the judiciary and the legislative body.

The legislative bodies should have to make laws,—fruitful laws without leaving

any scope for loopholes. Now, it is the function of the judiciary to find what are left loopholes there. In this battle of wits between the Judiciary and the Legislature sometimes the legislature loses and sometimes the judiciary loses. As soon as the Supreme Court pointed out certain loopholes, we plugged it in the case of Bank Nationalisation case. We are going to do it in the case of abolition of privy purses Bill also. Therefore, this wild accusation that the Supreme Court had acted under the compulsion of class influence or under the compulsion of political motivation is a dangerous thing, which negates the fundamentals of Parliamentary democracy. I will again warn you. If you go in this line, you will he opening the floodgates to certain other totalitarian system of Right reaction or left extremism, which will be based on democracy and freedom.

The Law Minister also made another serious observation. What did he say? He said the Directive Principles should be given over the Fundamental Rights,...

SHRI JAGANNATH RAO (Chatrapur): Primacy.

SHRI SAMAR GUHA : Yes, Primacy or supremacy of the Directive Principles over the Fundamental Rights. We know that in an authoritarian system, whether it be of Right or of the ultra Left variety, whether it is of Communist pattern or of the Fascist pattern, in every such pattern, the Directive Principles are invariably given supremacy over the Fundamental Rights. It is an absolutely wrong concept for those who believe in democracy, if you want to equate the two concept or put the relation between Directive Principles and Fundamental Righs in that category that one is superior to the other, or subordinate one before the other. In a democratic society where you want to build up socialism on the two essential pillars of democracy and socialism, then the Fundamental Rights and the Directive Principles should be balanced. Their relation should be equitable.

MR. DEPUTY-SPEAKER : The hon. Member's time is up.

SHRI SAMAR GUHA : They should be harmonised, they should be made compatible,—one compatible with the other. If you want to bring the supremacy of the one over the other, then you will lose the key to uphold democratic values. We are all for the abolisution of the compensation clause. The Socialists want not compensation but some amount should be given for the property acquired or requisitioned. But, in this Bill a single sweep, all the seven fundamental rights that are enshrined in our Constitution from (a) to (g) of article 19 have been completely knocked out. The Law Commission has said that as Fundamental Rights for the abolition of the property rights, you are challenging our right of association, right of speech, right of forming assembly, right of forming unions and having residential rights and also the freedom of movement. All these have been made subservient to the Directive Principles. I should say these are being challenged. As I have said, in a democratic society, this is a very dangerous move to subvert fundamental rights.

MR. DBPUTY-SPEAKER : You please conclude.

SHRI SAMAR GUHA : One minute more. I want to know. The Minister has said that the Government is not going to touch these Fundamental Rights of freedom of expression freedom of unions freedom of association. The mere observations of the Law Minister do not guarantee to the future the Fundamental Rights that are essential for a

[Shri Samar Guha]

democracy. For that, statutory provisions are essential.

About the quantum, I have said, we are all for abolition of the compensation clause. But what about criterion of deciding the quantum of amount, Mr. Gokhale ? Mr. Gokhale ! You are going to substitute the word 'compensation' by the word 'amount'. Even Mr. Siddhartha Shankar Ray also said it, but principle will govern the choice of the quantum of this amount? I want to know from you. Who will decide the principle of determining the total amount or the quantum of the amount?

SHRI H. R. GOKHALE : You and I, the whole Parliament.

SHRI SAMAR GUHA : I am very thankful to him. But, Sir, he knows that in the Centre or the State, by passing any law by the majority, the executive can have the right to determine the quantum of the amount. It may so happen that there are certain Parties of the right or the left persuasion in the States and that may happen at the Centre also in future. So, this word 'amount' will remain vulnerable to discretion of different political parties unless certain specific principles are laid down as to how this 'amount' is to be determined, how this quantum is to be determined? If it is not determined by certain statutory provision, then there is no other alternative but to agree with the Law Commission that certain scope should be given to the judiciary for keeping an eye to the criterion of determination of the quantum of amount.

I would conclude by saying that so far as compensation is concerned, we the Socialists, say 'No'. As far as amount is concerned, it should be less than market value, but the amount has to be determined according to certain well laid principles so that the political opportunists cannot misuse or abuse the provision of 'amount' that will replace compensation.

SHRI A. K. M. ISHAQUE (Basirhat) : I rise to support the Bill. I had the good fortune to listen to so many good speeches made here today by persons from our side as well as from the side opposite. I had with great attention listened to the speeches made by Shri Shyamnandan Mishra while opening the debate today. After hearing him completely, I was reminded of a famous and well-known lament, 'The grapes are sour'. I do not know what charge he did not level against our party, and he even assured us that if things were left to him, he could have done everything very nicely.

He also felt sympathy for the poor, and for the have-nots, or he said it, for the small men and the minorities. If the gentlemen belonging to the party had any feeling for the small men and the minorities, I fail to understand what purpose they actually served by bringing about a grand alliance with the Swatantra Party and the Jan Sangh. I do not know how the the Swatantra Party were friends of the small people and how the Jan Sangh were friends of the minorities. If after entering into alliance with these parties, he still feel for the small men and the minorities, may God help him!

The Bill has been opposed from both sides, from the Right which says that democracy is being infringed upon, and that the right to property is being infringed upon and from the Left which says that there is practically no spirit of revolution or revolutionism in it.

When I hear this charge that democracy is being infringed upon and that the right

of the people is being infringed upon, I fail to understand for whom they are speaking or of whom they are thinking. Whose democracy is being attacked ? Whose right to property is being attacked ? What is the percentage of those persons whose right is wrong to be attacked and about which they are apprehensive ? For only 2 per cent of the total population, they are so much apprehensive, and that is why they are pursuing that type of philosophy in politics. 98 per cent of the people do not have the capacity of entering into lavishness and cannot afford these luxuries. What is the meaning of democracy ? What is the meaning of the right to property for those sections of the population ?

When we go to the countryside, we see our people. When we talk to them we feel how we have failed to bring about a change in the laws. When we enter a village we find persons who never knew what property was. If we give right to property to such persons, what is the meaning of it ? If we give such a person the right to go to court and to protest against any supposed injustice meted out to him, when he has got no means to go to the court, what is the meaning of it ?

Even if oppression is committed upon him, he cannot go to a court of law to protest against it. He cannot set the law in motion against this injustice perpetrated on him. So when 70 per cent of the population are either unfed or underfed, why this sympathy for 2 per cent of the people should become the subject matter of a political philosophy ?

I support the Bill because it sets in motion a process which may go to remove poverty from this country. If we cannot do that, we can foresee what may happen or can happen. We have seen it in West Bengal. The hon. member of the DMK said that people have waited for long. I agree with him. If nothing can be done, if their lot cannot be changed, if poverty cannot be removed, the people will themselves come forward. They will not wait for this Parliament to go ahead for changing their lot. There will be simply lawlessness in achieving this result. That will not be good either for the Swatantra Party or the Jan Sangh or the nameless party, to which Shri S. S. Ray referred.

Therefore, when there is time all of us must engage all our attention to achieve this result. It is also the mandate of the people. Our party gave a pledge to the people that we are determined to remove poverty. People gave us a massive mandate. Therefore, we must be faithful to our commitments to them. I thank Government for proceeding in that direction.

The other parties see no revolutionary aspect in this. But I warn them of the consequences of overstepping, because then there is a danger of a counter-revolution in the country. In 1969, the United Front came to power in West Bengal with a strength of 218 members out of 280. But they misused the power.

SHRI P. K. DEO : That is exactly what you are doing now.

SHRI A. K. M. ISHAQUE : Instead of bringing about a revolution, they set free 10,000 goondas who brought about a goonda type of revolution. They set one section against another. They brought about all kinds of disorder in the State. As a result, they were thrown out.

In Burdwan district which is the habitat of the Marxist Communist Party, in the five elections held, only in 1962 they won 24 out of 25 . . .

MR. DEPUTY-SPEAKER : What has all this to do with the Bill ?

SHRI A. K. M. ISHAQUE : In the municipal elections, the Marxist Communists were totally routed.

So if this country takes an over-step, there is a chance of a counter-revolution coming up. Our country is ridden with superstition, prejudices and conservatism. We have first of all to eradicate these evils and then we can take steps for reaching the goal of socialism ultimately.

SHRI SHYAM SUNDER MOHAPATRA (Balasore) : I was listening with rapt attention for the last two days to the speeches in this debate and two things came up uppermost in my mind; one is the role of judiciary and another one individual by name Golaknath. At 6-30 p. m. we are going to change the constitutional history of India. Had not Golaknath figured in the judicial process, probably this amendment would not have come about. Probably, Mr. Golaknath deserves a *Bharat Ratna*.

Sir, the question is, the Constitution is a replica of the people's mind. It is the replica of the general will of the people, as Rousseau said. This Constitution of India is going to reflect the people's mind. Now, when the Constitution-framers really wanted to frame the Constitution for the people of India, certainly socialism was not in their minds. Well, who are those who really drafted the Constitution ? Mr. Gopalaswami Ayyangar, who was a civilian; Alladi Krishnaswami Aiyar was a great jurist; Dr. H. C. Mukerjee was the leader of the Indian Christians; Dr. Hridayanath Kunzru was a great philanthropist; Dr. Radhakrishnan was a great philosopher. And only two Congressmen were there—Mr. K. M. Munshi and Mr. T. T. Krishnamachari, and certainly they did not have socialistic views with them.

But today, in 1971, we are amending the Constitution which will give to the people of India socialism, democratic socialism. We never thought, not even the great Gandhiji probably thought, that things will change so rapidly in the world. What Gandhiji thought was that these capitalists, these landed magnates, will behave as trustees. Have they behaved as trustees ? Gandhji had said that he conceived of a classless and casteless society. He said that a classless society would mean a society of human beings where there is no discrimination between the high and the low, and where the employer and the employed will be in perfect collaboration. Gandhiji thought that these capitalists would behave very nicely, honestly.

This Ghanshyamdas Birla, in whose house Ganahiji probably breathed his last—why did they not, during the last 23 years, give this house to the nation, for which the Government of India has now given Rs. 50 lakhs and for which Mr. Shashi Bhushan had to go on a hunger-strick before that house ? Ghanshyamdas Birla—he represents the capitalist mind of the people. The Jains, and all these seths and sahukars only represent the capitalist mind.

Now, this amendment is going to ease a problem. I do not say that we have already brought socialism or socialism is round the corner. It is going to initiate a process by which we will reach that stage of socialism, probably what Gandhiji conceived.

Sir, in other socialist countries, they have also thought about individual rights and property. They have also thought about compensation. What the USSR Constitution says, in article 4, is that the system of socialist economy, socialist ownership of the means and instruments of production firmly established as a result of the abolition of the capitalist system of economy, abrogation of private ownership of the means and instruments

of production and the abolition of exploitation of man by man, constitutes the economic foundation of the USSR. Today, we are going to lay the foundation of an economy where we want to end the exploitation of man by man.

What about Yugoslavia which is very near to us as far as the ideological set-up is concerned? In article 37 of the Yugoslavian Constitution, they have said that "the use of property must not be injurious to the interests of the community." Now, here in India, the capitalist class, the vested interests, the landed magnates, have utilised property for their own interests. The entire economy of India is now in the hands of a few capitalists. How are we going to change the society unless we bring in this amendment to the Constitution, where we do not want to give compensation as they like? We want to give compensation as we like, as the people of India like.

What about China, where there is an aggressive type of socialism? In article 15 of their Constitution, it is also written that "the right to exist, the right to work and the right to property of the people shall be protected." What is the right of those people? It is the right of the communes. The people have almost no right. They are all seized by the State. The property is surrendered to the State. It is type of society which we do not conceive, but I say that in such constitutions of the socialist countries, where there is an aggressive type of socialism, where there is infantile communism, such things also are enshrined in their constitutions.

Even in Burma, where Gen. Ne Win is ruling, they have said in their constitution that "the right to acquire property is subject to law, public order and morality." Burma is not a socialist country. But it has also been written that if it is against public morality or public interest or against the will of the people, then the State intervenes. These are things which naturally we cannot lose sight of. Probably two years ago, the CPM leader EMS or A.K. Gopalan wanted to wreck the Constitution from inside and there was lot of discussion here. I must say that the judiciary also reflects the type of society we have. If we have change in society, we will have change not only in the legislature and the executive; but also in the judiciary. If persons who come to the judiciary belong to the toiling strata, if the judges belong to workers' families and peasant's families, the very outlook of the judges will change. In order to bring that we must also initiate certain processes in the legislature to reflect the mind of the people. Alladi Krishnaswami Aiyer said in the Constituent Assembly: "the court is not to be regarded as super legislature or as a court of appeal or review; the legislature may act wisely or unwisely." It is the legislature which is supreme. It is the General Will behind us, the backing of 55 crores of people.

Mr. Anthony or, for that matter, Mr. Vajpayee may reflect the views of the capitalists and vested interests. When I was listening to Mr. Vajpayee I was reminded of a scene in a picture which I saw: The Fall of Berlin. Eva Braun was giving Hitler pottassium cynide. This last cry today of Vajpayee shows that last moment of Jansangh. We represent a great people, 55 crores of people in India. They have sent us here to the legislature with the massive mandate. What is our duty? We are not to be bothered by what they say or what the newspapers of the capitalist class say. Referring to the French Revolution in the Constituent Assembly, Pandit Jawaharlal Nehru gave a marathon speech: "my mind goes back to that mighty revolution which took place 150 years ago and to that Constituent Assembly which

[Shri Shyam Sunder Mohapatra]

met in the gracious and lovely city of Paris which had fought so many battles ; the House will remember that when difficulties came and even a room for the meeting was denied to those who really went to the Constituent Assembly they met in an open Tennis Court and meeting there took the oath of the Tennis Court as it is called and decided everything." We today in this Parliament are to behave as they behaved in that Tennis Court 150 years ago. When Mirabeau stood up to address the people there were about 5000 soldiers and when a royal official was sent by the Louis XIV to order them to disperse Mirabeau said : "go and tell your grand master, sir, we are here by the wishes of the people and nothing but bayonet would drive us out." On this Bill we are with that feeling. Whatever Mr. Vajpayee or Mr. Frank Anthony or any other Maharaja may say we are not budging an inch and by 6.30 p. m. today the Constitution amendment will be passed. There is no doubt about it.

SHRI BIRENDER SINGH RAO (Mahendragarh) : I have been trying to find arguments for supporting this progressive measure. I have heard the speeches of a number of Members this afternoon. There is a race in the House for the Trophy of radicalism and progressivism. I have also heard the speech of Shri Siddhartha Shankar Ray, the star performer of the Treasury Benches. It was very entertaining and amusing but I unfortunately could not find a single argument in his speech which could convince me that it was necessary to push through this measure for the progress of Indian people. I wish I could believe that progress without this measure is not possible. I am glad that our Government has suddenly woken up to the importance of the Directive Principles of State Policy. They have now come across this Chapter in the Constitution. I would like to support this Bill if I thought that any one of the Directive Principles, *e.g.*, giving a uniform civil code, could not be implemented without putting through this measure. I would also be glad to support this Bill if another Directive Principle, i.e., free and compulsory education to children upto the age of 14, could not be implemented without this measure. I would also be happy to support this Bill if the judiciary and the executive had been separated already by this Government in pursuance of one of the Directive Principles. I would also have believed the intentions of the Government if they had brought about modernisation in agriculture and animal husbandry as mentioned in the Directive Principles.

15·45 hrs.

[MR. SPEAKER *in the Chair*]

It is very painful to note that in the 20 years that have passed since the Constitution was framed, this is the 25th amendment before the Parliament of this country. It is fair to those who framed this Constitution. In about 200 years in the United States the Constitution has been amended so far only 24 times. If the progress of a country can be judged by amendments of the Constitution, then certainly we have already beaten America. And before this century is out, probably we will be hitting a century. The oldest Constitution in the world, that is Swiss Constitution, has been amended only about 50 times during the last 600 or 700 years, and yet can anyone say that the society there has not made any progress, that the people have not prospered ? Sir, I would like to know from the Government why the recommendations of the Law Commission constituted by this Government have not been accepted. I presume that the members of this Commission were selected on the basis of merit and experience. They have given very balanced advice to the Government.

I would have been very happy and would have supported this measure if the advice of the Law Commission had been accepted and if the scope of this Bill had been confined only to those portions of article 19 concerned with property rights, if all the Fundamental Rights had not been invaded. Is it right to bring such a measure which is really an anti-climax for a party which has been fighting for human rights under British rule? We have derived the concept of our Constitution from Britain, from France and from the United States, and this very party in power in Parliament is now trying to trample upon human rights. Article 31C is proposed would affect all the Fundamental Rights under article 19. It would not be right to put people in such a humiliation that they would be looking to the executive power to save their honour and property. If Government's hands were clean, if their intentions are good, why should they bar the jurisdiction of the Courts in matters like this? I would like to support such a measure, but I suspect the intentions when the judiciary is proposed to be kept out altogether. You are a farmer. Lands can be taken for public purpose and no compensation or very little compensation may be paid by a legislature. You know how such a measure can be used in a vindictive and arbitrary manner. A State Government can say, "These fields belonging to so and so are the best place for the alignment of a particular road. This landed property belonging to such and such a person is the best place for constructing government offices or for digging a cannal." So, these matters must be justiciable. Only in the name of princes or because in bank nationalisation they had some difficulty, everybody's rights, the dignity of the human being and individual freedom should not be curtailed.

The directive principles also say that the State must look after historical monuments. If they are really keen to protect historical monuments, why for removing these living monuments of history in India—these few princes - should every human being's right be curtailed? Through you, I appeal that the Government should convince the nation that human dignity will not suffer, that fundamental rights are not proposed to be curtailed, and only in cases where too much property has been concentrated into certain hands, it will be taken over for public good. That could have been achieved even without this Bill. There are other ways and means to do it. People could be taxed very heavily. They could bleed every rich man in a manner that he would think it uneconomic to hold too much property. They can take away land in a manner that he would think four times before going to a court. Agricultural wealth tax is being levied. Income tax is being increased, ceilings are being fixed. Is this not enough?

Since you are getting impatient, I shall resume my seat.

MR. SPEAKER : It is not a question of my becoming impatient. Your party had only a few minutes and already three speakers have been accommodated.

PROF. S. L. SAKSENA (Maharajganj) : Sir, I am the happiest man today that this Bill is under consideration in this House and will soon become law. The words which I spoke in my speech during the third reading of the Constitution on 19th November, 1949, have proved prophetic. This is what I said :

> "I also regard article 31 about property as the charter of capitalism in this country. I am sure, the representatives of the people elected on the basis of adult suffrage will change this Article which makes all socialisation of the means of production for the community impossible. The Directive Principles of State Policy which have been so beautifully described in Part IV cannot

[Prof. S. L. Saksena]

be realised so long as Article 31 forms part of this Constitution. I would have wished that these Directive Principles had been incorporated as Fundamental Rights in the Constitution."

Today fortunately this Bill has decided to incorporate parts (b) and (c) of articles 39 as fundamental rights in the Constitution. I wish all the Directive Principles had been incorporated in this Bill, for they are the essence of Socialism. This is what I had said about them in that speech in the Constituent Assembly :

> "The chapter on Directive Principles is, I think, the most hopefull chapter in the Constitution. I fondly hope that the principles enunciated in it as the ideals to be striven for in free India will be given affect to and incorporated in the laws of the country at no distant date."

Therefore, Sir, I would have wished in clause 31C the words "clause (b) or clause (c) of article 39" to be substituted by the words "articles 38 to 51". If you will read these articles you will find that the real content of socialism is contained therein.

I am opposed to all the amendments which have been given notice of, either by my friends on this side or the Minister there. If any amendment is necessary, it is that article 19 be replaced by articles 19 (f) and (g). That is the only amendment necessary. Sir, I support the Bill.

*SHRI NAGESWARA RAO (Machilipatnam) : Mr. Speaker, Sir, the misfortune today is that Law is at logger-heads with Politics. But what ultimately stands would be Politics only. Today there is no citizen on whom politics has no influence. And the Judges are no exception to this. The new orientation that our beloved Prime Minister has been propounding is necessary not only for the political leaders or administrators but also equally necessary for the Judges who dispense justice.

When law is at loggerheads with politics this new orientation is necessary not only for the administrators and politicians but it is equally necessary for those who have to administer law and justice in the country. The State is Constitutionally under duty to implement the Directive Principles through appropriate legislation and the courts must be vigilant in safeguarding them. The soul of the father of the nation, Mahatma Gandhi is all pervasive in the Directive Principles of our Constitution. Today the Constitution (Twentiifth-Amendment) Bill is a recognition the behest of Mahatmaji. The tradition of Bharat is : सर्वेजना: सुखिन: भवन्तु । Let all people live happily and well. In implementing this great slogan *garibi hatao*, Shrimati Indira Nehru Gandhi will be acclaimed in history as the mother of the nation.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : Mr Speaker, we have all been waiting for this Bill to come before the House and, in fact, many hon. Members have complained that it has come very late and that we should have brought it much sooner. We have brought it as soon as we could. I am glad to see that there is such massive support for it here, as indeed I believe there is in the country as a whole.

The Law Minister has given an able exposition of the need for the Bill and also

*The original speech was delivered in Telugu.

Government's thinking so that I need not enlarge on many of those points. I am sure that in winding up the debate he will also deal with the specific points raised, although when I listened very carefully both here and from my room I could not discern any new points at all.

Coming to the CPM. Their line was as expected. There is a basic difference in their way of thinking and functioning and ours. It sounds dramatic to talk of throwing out the Constitution lock, stock and barrel; it sounds heroic to talk of total revolution; but we all know that revolutions also settle down and every country has ultimately to find its own pattern.

And this is what we are trying to do in our country. But we are doing it peacefully and democratically. We listen also to the views of hon. Members of the CPM.

16 hrs.

I like Shri Piloo Mody because he helps to enliven the proceedings in the House. But there are some subjects which have to be dealt with seriously.

SHRI PILOO MODY : I am glad to see that you are following my example.

SHRIMATI INDIRA GANDHI : He has spoken lightly of the Directive Principles and Fundamental Rights and so on. Of course, the Swatantra Party's pet target has always been our public sector. I would only like to ask Shri Mody and his friends in and outside the House, as to who has mismanaged the textile mills, whether they be in Ahmedabad or in some other parts of the country. What is happening or has happened to the sugar mills in the UP and, for that matter, to the Ganesh Flour Mills, whose workers are squatting and starving outside my house. Instead of preaching to us, if Shri Mody would only take some time out to go and meet the people concerned, the bright lights of the private sector, and try to put things right, there I think... (*Interruption*)

SHRI PILOO MODY : Let me clarify. You have misquoted me.

SHRIMATI INDIRA GANDHI : I have not quoted you at all.

SHRI PILOO MODY : I have said things about the public sector in other debates and I am sorry to say.....(*Interruption*) that even yesterday Shri Mohan Kumaramangalam had me saying something which I did not say. I said, take the example of the public sector, which is supposed to be a cure for the concentration of wealth in private hands. The Directive Principles say that these should help the common good. I said, because it does not make profit, because it does not have the common good, would you thereafter say that it is following the directives that have been given to the Government in the Directive Principles of the Constitution ?

SHRIMATI INDIRA GANDHI : Firstly, of course, this follows from what I was saying. It is not contradictory to what I have said. It is true that there are some public sector units which are not functioning well for some there are good reasons for this and for some there are no reasons. I do not want to hide anything which is wrong because there is plenty that is right. But you want to highlight the wrong and hide what is right or ignore it. I just want.....(*Interruption*)

SHRI PILOO MODY : Just like the Ganesh Flour Mills.

SHRIMATI INDIRA GANDHI : Anyway, it was also alleged by him and Shri Anthony and, I think, one or two other members that we have done nothing in all these 24 years to give effect to the Directive Principles. To belittle the progress that this country has made, whether

[Shrimati Indira Gandhi]

it is in education or in the expansion of opportunities for the people—and I would say, in this I include even those people for whom not enough has been done, such as our brethren of the Scheduled Castes and Scheduled Tribes and women and others—and also the panchayati movement, would be a libel on the whole nation.

The Directive Principles particularly ask us to avoid the concentration of wealth and the means of production and also to ensure the right to work and adequate means of livelihood. But did anyone, even those who drew up the Directive Principles, think that this could be done in such a short time? Did anyone in any other country imagine that this could be done in a few years? And to keep on harping on this or to keep on asking becaused we say that poverty must be remove, why it is not immediately removed! It is not a bottle that you can pick up and throw away or a label that you can snatch off. Here are deep-rooted old problems in the country, which only the most energetic hard work and determined pursuance of ideals, can solve. This Bill is a part of that. It is not removing poverty; it is not removing the whole of inequality; it is not removing all the injustice that exists. It is a very, very small step that helps a little. But that does not mean that it is not necessary. It is. Because it is all these little steps that take us in the right direction. Of course, Mr. Piloo Mody will quarrel with me about the direction. But that is not my fault. To go in this direction, to solve these problems, to give these necessary amenities, necessay dignity to our people, is the objective of all our plans of development, and it is because we have come across certain impediments into them that we have been compelled to introduce these amendments.

It is ridiculous to talk about arbitrary use of power. When we realised that because of some judicial pronouncements, it was becoming impossible to implement effectively some of the Directive Principles, we put the whole thing before our people and their response is obvious to all. I do not think I need speak about this in detail.

I come now to Mr. Frank Anthony's speech. His words would have been very eloquent, had they not been so suffused and permeated, if you will permit me to say, with bitterness and even malice. He made wild accusations, and untenable statements. This was the first time that I have heard the term "honest work" used to describe manipulations of share and property value. He spoke also of blood and sweat. Certainly, blood has been shed, and sweat has flowed. But was it Mr. Anthony's intention to imply that it was the property-owners who have shed the blood and sweat? This is the impression I got when I was sitting here and listening to his speech. Certainly, if anybody's blood has been shed and sweat has flowed, but they are the blood and sweat of those on whose labour these property-owners have prospered.

Mr. Anthony claimed the monopoly of interpreting the Constitution on the plea that he was there. Fortunately, he was not the only one there when the Constitution was framed...

SHRI FRANK ANTHONY (Nominated-Anglo-Indians): You are a lady. I will not correct your incorrect statement. You are misquoting me.

SHRIMATI INDIRA GANDHI: Mr. Anthony, I claim no privilege of being a lady. I do not consider myself a lady. I am a woman. I think, the days of "ladies and gentlemen" have long since passed in this world. We are here not because we are women or men but because we are a part of the human race, because

we are involved in what is happening to the rest of the human race. We are determined to fight for their rights and their privileges.

Mr. Anthony also spoke about literacy. All of us here, and specially my colleagues, are greatly concerned about this matter. Literacy has not progressed as well as it should have been. But may I with due respect to the many educationists who are sitting here, say that literacy is important but not that important. I do believe that in our country, in these 24 years, an understanding of many things has grown amongst our people. I may also say, with due respect to the people in other countries that in no way is this understanding inferior to that of the literate people of the advanced countries. I think, for us who sit in Parliament because of the support of the people to refer sheeringly, to those who are illiterate is hardly becoming. They are the people who have supported for this country. It is their blood and sweat that has helped this country to survive, whether in war or in peace.

Both Mr. Anthony—I do not remember whether my friend, Mr. Piloo Mody said this or not, if he had not.....

SHRI P. VENKATASUBBAIAH (Nandyal) : He must have said it.

SHRI PILOO MODY : If I have not already said it, I will say it in future.

SHRIMATI INDIRA GANDHI : Let him say it later.

Much has been said about our keeping an eye on votes. I should like to know from you here and in confidence if you like, do you know of any political party in India or in the United Kingdom or in the United States or elsewhere in the world, which is not concerned with votes? Do you know of any political individual who is not concerned with votes? All this sounds very well. But what does it mean when you get down to it? When you try to find out what he is trying to say, it has no meaning.

SHRI PILOO MODY : Not to the detriment of the nation.

SHRIMATI INDIRA GANDHI : I would like to add that I doubt if there is any other Party which has stood so firmly for measures which have been unpopular amongst the people. It is not that we have stood only for measures which are popular. We have stood for them and we have persuaded the people that ultimately it was the right thing, even though there were so many people trying to delude them into the belief that our moves were against religion or some interest or the other. We do not aba n measures because they happen to b upopular.

In an election meeting a long time ago, I was told 'Please don't mention such and such matter because people here are very angry, and if you talk about it, we will lose the election'. My reply was that since, 'This was what the Opposition parties were saying if I did not reply to them, there would be no point in my talking.' So, they said, 'You need not speak. You can just sit on the platform.' So, I said, 'All right.' After two people had spoken, an old man got up and remaked 'I have walked five miles to come here to hear my sister. When is she going to speak?' I thought this was an opportunity and I got up and said, 'I want to speak, but people think that what I am going to say will annoy you. So, they do not want me to speak. It is upto you. Shall I speak? 'Naturally', he said. Then I explained our proposal. He said, The question has never been explained to us before. The Opposition Parties are saying the opposite. So, it is not that we shun moves which are unpopular and which may lose us votes. Many things have lost us votes but we have not left those programmes for r

[Shrimati Indira Gandhi]

that reason.....(*Interruptions*) I do not want to belittle the importance of the vote, because we all know that it is the symbol of the wishes of the people.

AN HON. MEMBER : Mr. Anthony is a nominated Member.

SHRIMATI INDIRA GANDHI : Parliament is a repository of the hopes and wishes of the people. It is the fountainhead of change and of justice. If Parliament is rendered unable to bring about change or to ensure social justice, then change will bypass Parliament. I have full respect for the Judiciary but I must say that it is Parliament which is the expression and guardian of the democratic will.

Earlier also, amendments to the Constitution became necessary because the courts have made it difficult for Parliament to implement programmes of social justice. The present set of amendments have also become necessary for the same reason.

Earlier I spoke about other people who were there at the time of the making of the Constitution and at that time this is what my father said about compensation—in the Constituent Assembly while the Constitution was still being drafted. I quote :

"Eminent lawyers have told us that on a proper construction of this clause, normally speaking, the judiciary should not and does not come in. Parliament fixes either the compensation itself or the Principles governing that compensation and they should not be challenged except for one reason, where it is thought that there has been a gross abuse of the law, where in fact there has been a fraud on the Constitution. Naturally, the judiciary comes in to see if there has been a fraud on the Constitution or not. But normally speaking, one presumes that any Parliament representing the entire community of the nation will certainly not commit a fraud on its own Constitution and will be very much concerned with doing justice to the individual as well as the community."

SHRI PILOO MODY : We ask no more.

SHRIMATI INDIRA GANDHI : All citizens are equal before the law. But can we honestly say that our law, as it has developed and as it has been interpreted, is giving that equality in actual practice ?

SHRI FRANK ANTHONY : So, she is doing away with all the Fundamental Rights ?

SHRIMATI INDIRA GANDHI : Many judgments have favoured the propertied classes, equating compensation with market value.

Shri Sumar Guha was very eloquent on what the hon. Law Minister said about the judiciary. I am sure the Law Minister did not in any way mean to say anything against the judiciary. He has, I think, full respect for the judiciary, and I may say, he has fuller respect for the judiciary .....

SHRI SAMAR GUHA: He said 'political decision on political issues.'

SHRIMATI INDIRA GANDHI : There is no decision in the world which is not political. If the Hon'ble Member is saying that any speech which he has made here is not political, I am very sorry that I do not believe it .....

SHRI SAMAR GUHA : I did not say it. The Law Minister said 'political decision on political issues '.

SHRIMATI INDIRA GANDHI : I would say that the remarks which Hon'ble Member is making on this point are equally political. They are equally with an eye on some section or another which he may think will want that point of view to be put forward.

I must point out that he made a very uncharitable statement about which I would like to protest very strongly, Mr. Speaker. If I have heard him correctly, he said something about Members of my party working for outside interests. Obviously he is judging people by his own standards, this does not happen in my party.

SHRI PILOO MODY: She cannot make that accusation against Shri Samar Guha.

SHRI SAMAR GUHA : The overnight socialists need not judge our character which is not only clean but long enough to justify our socialist professions and our dedication to socialism.

SHRIMATI INDIRA GANDHI : Now, much has been said about market value.

AN HON. MEMBER : She should not make any uncharitable remark about him.

SHRIMATI INDIRA GANDHI : I would not have said this if he had not made any uncharitable remark about our party. There is a French proverb which says—I shall not say it in French, translated into English it says—that 'This animal is wicked, because he defends himself when he is beaten'.

Sir, much has been said about market value. Now, what is market value ? And how does it appreciate ? The price of property goes up because of the investments made by society, because we build the land, we build the roads and we build industry. It is unacceptable to us that a few should skim the cream of social investments, defrauding society as a whole.

I must say, I have, not much respect for market value or the values of the marketplace for that matter. The whole idea of private profit at the cost of the common man is repugnant to me, to my party, and I think, to the nation. It is astonishing how those who sneer at socialism being a foreign concept or import have had no hesitation whatsoever in embracing capitalism with such great ardour.

I think it was Shri Alladi Krishnaswami Iyer, the great jurist, who said :

> "Our ancients never regarded the institution of property as an end in itself. Capitalism as it is practised in the West came in the wake of the Industrial Revolution and is alien to the root ideas of our civilisation."

I would like to reiterate that our amendment does not represent a departure from the basic framework of our Constitution. It is an effort to safeguard the intent of the Constitution. The Constitution-framers did not envisage any unregulated right to private property nor did they want property rights to come in the way of socio-economic progress.

Shri Vajpayee has returned to the House, not returned as a member, but since yesterday or the day before with a new-found enthusiasm for socialism. I think that on deeper thought he was trying to be right. I welcome this.

SHRI PILOO MODY : Why don't you welcome him ?

SHRIMATI INDIRA GANDHI : If he accepts our policies *in toto*, if he accepts our methods, our principles, our aims, certainly he is welcome. I have no

[Shrimati Indira Gandhi]

quarrel with Shri Vajpayee. I quarrel with his ideas. I have said that many times before. The only point I want to make is that if he wants to accept socialism, he will also have to reconsider many of his other ideas.

Shri Shyamnandan Babu also spoke of being a socialist. But he says he is a different kind of socialist.

AN HON MEMBER That is very much true.

SHRIMATI INDIRA GANDHI: But I am afraid that lately he has been obsessed with rather trivial matters and not with basic matters which concern the country and the people.

I think I have dealt with the point made by Shri Krishna Menon. But I would like to repeat it in case there is any misgiving. He expressed concern that we were undermining people's confidence in the judiciary. I would like to emphasise that we do not want to weaken the judiciary. What we are saying is only this : let the judiciary not try to take over the powers of Parliament. I entirely agree with him that an impartial jundiciary is indispensable to the rule of law.

Now, the other matter that has been worrying many members here is about minorities. I have no hesitation in saying with all the emphasis at my command that there is absolutely no threat to the minorities. Our Constitution has specific provisions giving the fullest protection to the minorities and to their educational and religious institutions. None of this is being touched or changed. I would like to say this since it is widely being rumoured around Parliament that some people may exploit this and accuse the Government or the Congress, of giving more to the minorities than to the majority. This is not new propaganda. We have heard it before. We have faced it during elections. I sincerely hope that the public of India will see things in their true light. We are certainly not against the majority. How can we be ? Because, much as we welcome the support of the minorities, it is only the support of the majority that has brought us here—Shri Vajpayee may note. Nobody could have come to this Parliament with the support merely of the minorities. So when he says that we have one eye on the minorities, let me assure him that we can never do this at the cost of the majority community. But I do believe that in every country the majority has a responsibility. The bigger man has a responsibility towards the smaller man. We certainly hope that the day will come, and that too very soon, when we do not need to have these safeguards, when everybody can feel that he can get his just right and so on. But that day has not come yet. Therefore, we have to have safeguards for the minorities. Not only that, we have also special programmes for the Scheduled Castes and Scheduled Tribes. With all that, we have not yet been able to bring them to a place where they can compete fully will the others.

SHRI B. P. MAURYA (Hapur) : Political reservations must go. That has created vested interests.

SHRIMATI INDIRA GANDHI : We will discuss that later.

I think the greatest protection to the rights of the majority as well as the rights of the minorities is this Parliament and the people as a whole.

May I now turn to the five amendments proposed by the Law Minister, amendments Nos. 11, 12. 13, 36 and 57 ? Regarding amendment No. 11, its objective was clear, to allay the apprehensions of the minorities that the amendment of Art. 31 w culd affect their rights under Art. 30.

The amendment was intended to make it clear that whatever rights the minorities already possessed under article 30 would not be affected by the amendment of article 31. We feel that it is important to reassure the minorities regarding this matter. But we have now decided not to move amendment No. 11 but to substitute it with another amendment, No.57, which, we feel, expresses more clearly the intention of Government. The Law Minister will explain this in detail.

So far as amendment Nos. 12, 13 and 36 are concerned, the Government has followed with interest the various expressions of opinion of different Members during the debate. There appears to be a certain apprehension that Government is going back on its previous position. Amendment No. 12 is an attempt to clarify the scope of the jurisdiction of the court, but in view of the expressions of opinion made by different Members that the original draft is more satisfactory, Government have decided not to have amendment No. 12.

So far as amendment Nos. 13 and 36 are concerned, which intoduce the need for a special majority for passing laws under article 31C, again there has been some apprehension that this could make it difficult to enact legislation which is directed at implementing the directive prihciples under article 31B and C. We have given our most anxious consideration to this matter, and have come to the conclusion that there is a certain basis for these apprehensions and that in fact the progress of legislation effectuating the principles referred to in article 31B and C might be retarded. We have, therefore, decided not to move these amendments.

But the crux of the matter is very simple: for whom are our Constitution and our laws meant—are they meant for the few privileged or for the many, poor and weak? The fundamental rights and the directive principles are intended to benefit the poor and the weak, whether they are in the majority or in the minority. It would be a travesty of the Constitution if the fundamental rights afford protection to the privileged against the true interests of the poor.

I do not think there is any conflict between fundamental rights and the directive principles. They are supplementary and complementary. If you are afraid that our people are going to lose their faith in the fundamental values of the Constitution, I can only allay your fears by asking you to go and talk to the people. If Parliament misuses its power, I am sure that our people will not tolerate that Parliament for long. In any case, as my colleagues have already explained, any colourable use of the legislative power will always be open to judicial scrutiny.

Sir, I quoted something from my father, but the same thing has been said in different words by Abraham Lincoln, with which I would like to end:

> "Why should there not be a patient confidence in the ultimate justice of the people? Is there any equal I hope in the world?"

Sir, I commend these amendments to the House.

MR. SPEAKER: The Law Minister.

SHRI M. SATYANARAYAN RAO (Karimnagar): Sir, I was not given any chance. I must be given a chance, two minutes or so at least, before he begins his reply.

MR. SPEAKER: It can be done later on, when we reach the further stages of the Bill.

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE): Sir,

[Shri H. R. Gokhale]

I have heard and followed with careful attention the debate on this momentous Bill, which has gone on in this House from yesterday—the measure which has been proposed before this house for its consideration.

The Prime Minister has given just now in full perspective the theoretical, ideological and practical basis underlying this measure. My two colleagues the Steel Minister and the Education Minister have also dealt with some of the aspects which are relevant and which do arise for consideration in discussing a measure of this type.

But my main difficulty is, as the Prime Minister said, nothing came from the opposition in this debate; words, words and words, not one point and not one new idea. That increase the difficulty of answering a debate of this nature ..... (*Interruptions*)

SHRI PILOO MODY : He says that there is nothing to reply and we all agree with him. He can sit down and save the time of the House.

SHRI H. R. GOKHALE : He need not be perturbed by what I am going to say. I have heard with attention the speech of Mr. Frank Anthony and I was hoping that an experienced lawyer, as he is, some concrete point will be brought in for consideration which will point out how this measure is bad from the political or legal point of view. But the only point which Mr. Frank Anthony made was that this amendment was trying to undermine the basic structure, as he called it, of the Constitution.

Now I wonder wherefrom has Mr. Anthony learnt that the basic structure of the Constitution lies in the fact that there are fundamental rights in the Constitution. Perhaps I must say that he gets his political philosophy from the Golaknath judgement. That judgement is the basis of his philosophy that the fundamental rights form the basic character or the basic structure of the Constitution. It is for the first time expounded in that case by a majority of a single Judge that because the fundamental rights are the basic structure or the foundation of the Constitution you cannot touch them.

Somehow or the other we on this side, who have been accustomed to respond effectively to the whishes and aspirations of the people, learnt our philosophy not from the reported judgements of the Supreme Court but from what we consider as a proper approach for meeting those aspirations and wishes. He mentioned he had a library and I dare say he has, but the library has to be used.

I will point out that the Directive Principles have been the basic foundation of the Constitution since the time the Constitution was discussed in the Constituent Assembly, and may I say even before. If my friend Mr. Frank Anthony had cared to look at the monumental treatise relating to the reports made by Mr. B. N. Rau who was the Adviser to the Constituent Assembly and who on the advice of the President was requested to tour round the world and discuss with eminent personalities the proposed constitution, he will know what were his views. They are not only Dr. B. N. Rau's views. He has also reported the views of two very eminent personalities, may I emphasise, of America because that will satisfy my friend Mr. Piloo Mody. In his report Dr. B. N. Rau says this : "as a result of the discussions we propose to introduce two amendments to the draft constitution; the first of them is designed to secure that when a law made by the State in the discharge of one of the directive principles imposed upon it by the Constitution happens to conflict with one of the fundamental rights guaranteed to the individual,

the former should prevail over the latter. In other words, the general welfare should prevail over the individual rights."

Now come the reference to the two persons who were very great in the legal world and widely respected :

> "Justice Frankfurter considered that the power of judicial review implied in the 'due process of law' clause, of which there is a qualified version in section 16 of the Indian Draft Constitution, is not only undemocratic because it gives a few Judges the power of vetoing legislation enacted by the representatives of the nation, but also throws an unfair burden on the judiciary. Justice Hand considered that it would be better to have fundamental rights as moral precepts than as legal provisions in the Constitution."

Therefore, the idea is that the fundamental basis of all the structure that we provide for the governance of the country should be the Directive Principles and not the Fundamental Rights.

SHRI FRANK ANTHONY : Gokhale's thesis.

SHRI H. R. GOKHALE : Not your thesis quite certainly.

That is why even in one of the articles of the Constitution itself it has been provided. It is not as if the word "fundamental" is used only in respect of Fundamental Rights as my friend Shri Anthony would like to have it, but in terms it has been mentioned that the fundamental principles are fundamental in the governance of the country and that the State is bound to make laws so as to conform to these fundamental principles. It is not as if you go only to the Golaknath case to find out or you ask the Supreme Court Judges to tell us what is the fundamental basis or structure of our Constitution. It has been mentioned in the Constitution itself and accepted as such even from a time before the Constitution was brought on the statute book. But I can understand the difficulty which Mr. Anthony has. My friend Shri Siddhartha Shankar Ray in the course of speech read out a portion of Mr. Anthony's speech. I must admit that Mr. Anthony made an eloquent speech on that day. Eloquence he always has, but that speech has greater substance. He said at that time, dealing with article 31A, that he would like Parliament to impose as many restrictions as possible so as to enable Government to acquire any property it liked and pay whatever compensation Parliament felt was proper or even no compensation.

SHRI FRANK ANTHONY : I am saying that even now. I say take it out.

SHRI H. R. GOKHALE : Don't be apologetic.

SHRI FRANK ANTHONY : I am not being apologetic. I am objecting to your misinterpretation.

SHRI PILOO MODY : Right or wrong, you take it.

SHRI H. R. GOKHALE : There are some people who are socialist in the morning and capitalist in the evening.

At that time, while he was dealing with agrarian reform, probably none of his supporters, whose cause he advocates in Parliament, the vested interests, was at all affected by the amendment of article 31A, but when it comes to talking of article 31 which takes within its range much wider canvas, then, Mr. Anthony employed his well known eloquence to say that we are interfering with basic structure of the Constitution.

SHRI FRANK ANTHONY : This is a deliberate misrepresentation. I said : take out article 31, take out article 19(1)(f),

[Shri Frank Anthony]

but do not efface articles 14 and 19. This is deliberate misrepresentation. You reply fairly and honestly. Do not twist what I said.

SHRI H. R. GOKHALE : If he does not remember what he said I got here a copy of his speech. He said :

> "This Bill and particularly provision 31C has changed the basis and the basic character of the Constitution.....these Fundamental Rights were fundamental, they were meant to be fundamental, they were transcendental....You are changing the whole basic character of our Constitution."

Where does he restrict himself to article 31 ? He has forgotten what he spoke yesterday.

SHRI FRANK ANTHONY : Read the rest of it if you are honest. Don't twist what I have said. (*Interruptions*).

SHRI H.R. GOKHALE: I assumed when you said those words, you were honest and therefore I read those words which you spoke yesterday. Am I honest again in referring to these words of Mr. Anthony which he said in 1955? He is certainly justified in forgetting them because he said those words in 1955. This is what he said then :

> " I agree with the Prime Minister completely in this about the pace of achieving an egalitarian society at the risk of revolution and communism. I made it clear that if Article 31 or even if any of the Judicial interpretations by the court stood in the way of achieving a Welfare State, those obstacles should be removed. I stated clearly that Article 31 A should be made as wide as comprehensive, as possible and it should include every element, every aspect, of property which might be taken without compensation, which the Government consider necessary, in order to achieve a Welfare State."

I am not misquoting him. This is part of the record of the House and this is what he said during the discussion on the Constitution (Fourth Amendment) Bill.

Yesterday he asked me more than once in the course of his speech to call a spade a spade. He said, he would not advise me to call it a bloody spade. Even without his advice, I may assure him that none of the language which he employs, is suitable for me. I am not going to do it, because it does not fit in with my way of dealing with the problem. But I recognise everyone knows—he is a very eminent and erudite lawyer and he also knows—the difference between an enabling provision in law, whether it is in the Constitution or anywhere else, and a provision which actually sets down something which affects the rights and liabilities of parties. I am sure this would not be disputed. Mr. Anthony was asking me: Does the new article take away the rights under article 26, under article 25, under article 29 and under article 30? Does any enabling provision take away those rights? I have never heard it being said that an enabling provision takes away a right.

SHRI FRANK ANTHONY : It does not give you the power to take away.

SHRI H. R. GOKHALE : Then why imagine this possibility ? (*Interruptions*).

SHRI FRANK ANTHONY : Will you give a simple, straight, answer?

Does it give you the power to take away ? (*Interruptions*).

SHRI H R. GOKHALE : There is an amendment which has been moved before the House that this Bill be referred to the Supreme Court. I remember even on the last occasion, when the Constitution Twenty-fourth Amendment Bill was brought before the House, there was a proposal that the Bill should go before the Supreme Court.

Now, in this case, a reference under article 143 has been suggested, if I am not wrong, by Shri P. K. Deo. Has the time come when we should take our advice on matters political and economic, which we consider to be good and in the interests of the country, from the Supreme Court ? In fact, as I said in my Introductory Speech, we regard the Supreme Court as the highest tribunal in this country. I am reiterating what the Prime Minister said, that everyone of us has highest respect for the Supreme Court and we want it to be independent in this country. An independent Supreme Court is in fact the bastion of democracy. Because we want the Supreme Court to be independent, so we want the Supreme to remain out of the political and economic controversies. As I mentioned in my earlier speech, in a democracy everyone must try to save the court from itself, the judges from themselves. By dragging the judiciary into a political controversy we make them the target of attack by politicians on all sides.

Again, it may satisfy some of my friends on the other side if I refer to something which has been said with great eloquence and with great competence some years back when the question arose, and it would satisfy my hon. friend, Shri Deo, if I tell him that it came from the United States of America.

SHRI PILOO MODY : Have you no Russian authorities to quote, only to satisfy yourself ?

SHRI H. R. GOKHALE : I need no authority, either Russian or American.

SHRI PILOO MODY : So you are genuine swadeshi.

SHRI H. R. GOKHALE : Everything American goes home with Shri Piloo Mody. What can I do ?

This is said by President Roosevelt when he sent a message to the American Congress, dealing with the Supreme Court of America, and this was in the context of the New Deal legislation which was, one after another, struck down by the Supreme Court in America. In his fireside chat Roosevelt went to the heart of the Problem He said :

"When the Congress has sought to stabilise national agriculture, to improve the conditions of labour, to safeguard business against unfair competition, to protect our national resources, and in many other ways, to serve our clearly national needs, the majority of the Court has been assuming the power to pass on the wisdom of these acts of the Congress—and to approve or disapprove the public policy written into these laws. This is not only my accusation. It is the accusation of most distinguished justices of the present Supreme Court. In the face of these dissenting opinions, there is no basis for the claim made by some members of the Court that something in the Constitution has compelled them regretfully to thwart the will of the people. The court in addition to the proper use of its judicial functions has improperly set itself up as a third House of the Congress—a super legislature, as one of the Justice has called it—reading into the Constitution words and implications which are not there and which were never intended to be there. We have, therefore, reached the point as a nation where we must take action to save, the Constitution from the Court and the Court from itself. We must find a way to take an appeal from the Supreme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution—not over it. In our courts we want a Government of laws and not of men, I want—as all Americans want—an independent judiciary as proposed

[Shri H. R. Gokhale]

by the framers of the Constitution. That means a Supreme Court that will enforce the Constitution as written, that will refuse to amend the Constitution by an arbitrary exercise of judicial power—amendment by judicial say-so."

Therefore, it is not as if somebody has disrespect for the Supreme Court and, therefore, he makes that comment. This is a situation which has arisen in every democracy. It had arisen in America when a popular government, which had subscribed to and adhered to implementation of popular wishes and aspirations of the people tried to do something in its legislative and executive sovereignty. The idea of any third chamber, like the judicial courts interfering in the enforcement of those policies, was resented everywhere.

This advice had been given to the Judges by President Roosevelt, not because he had no respect for the Supreme Court—may I remind the House ?—but because he had respect for the Supreme Court and he wanted to point out to the Supreme Court that this method of their coming in through their judicial pronouncements so as to hamper the progress of the nation, would bring them in ridicule and controversy which really did not belong to them.

My hon. friend, Shri piloo Mody, said a lot. You must have seen, Sir, that he is in black dress today; he is in mourning dress.

SHRI PILOO MODY : It was not accidental; it was deliberate. And they have men over here who will laugh at a funeral !

SHRI H. R. GOKHALE : I can understand that because I know, with the passage of this Bill, Shri Piloo Mody knows that his support, the vested interests and the monopolists, is going to be extinguished and finished in this country.

SHRI PILOO MODY : Who supports you but every goonda in town ? I am fed up with all these damn cheap jibes.

SHRI N. K. P. SALVE (Betul) : This is very unfair. He attacked us yesterday but we did not say anything.

SHRI BHOGENDRA JHA (Jainagar) You declare him insane.

SHRI H. R. GOKHALE : I remember, I mentioned in this House, when I was dealing with the debate on the Twenty-fourth Amendment Bill, that I have respect for Shri Piloo Mody but, I think, the best way to give respect to him is to ignore him. I am not going to deal with any of his other arguments.

Many points were made in the course of the debate. I have respect for Shri Mishra. He has suggested that we exclude small properties from the operation of this. This is an attempt to show that they are extra-radical.

SHRI SHYAMNANDAN MISHRA Did I say that ? I have never said that you are trying to show yourself as extra-radical. I am saying that you are not.

SHRI H. R. GOKHALE : I am saying that you are trying to show yourself extra-radical.

SHRI SHYAMNANDAN MISHRA : I do not want a certificate from Shri Gokhale whom I have never recognised as a political being.

SHRI H. R. GOKHALE In spite of his long and elaborate speech, he did not make it clear whether he was going to support the Bill as it is.

SHRI SHYAMNANDAN MISHRA : Didn't I ? If you are so dense to what I

say, I cannot make you understand. I said that in the very beginning.

SHRI H. R. GOKHALE : Shri Mishra said that there were other Directive Principles also. We know that there are other Directive Principles also but only article 39 (b) and (c) are referred to in article 31C. He says, everyone must get a fair wage. No doubt, everyone must. Rather than anybody else, we on this side have fought more for a fair wage for the workers. I am proud to say that.

SHRI SHYAMNANDAN MISHRA : Therefore, their wages are being eroded and you are not doing anything at all.

SHRI H. R. GOKHALE : He also said that we were not giving effect to the other Directive Principles. Even though, as we want, he also wants that a fair wage should be introduced and certain other Directive Principles should be enforced, he would not help us to take a step which will create a situation in this country of creating resources by seizing them from people who are using them for their personal aggrandisement and giving them for the use of the nation. He did not say that these Directive Principles should be enforced and that he supported our Bill which would enable us to do so.

SHRI SHYAMNANDAN MISHRA : I have said that they are not to remain as toothless animals. Why do these things not stick to your mind, I do not know.

SHRI H. R. GOKHALE : I did not interrupt him even once when he was speaking.

SHRI SHYAMNANDAN MISHRA : But you are misinterpreting me.

SHRI H. R. GOKHALE : When it is inconvenient, you say that it is misinterpreting you. In Parliament you have to take things which are inconvenient also.

He referred to me and my hon. friends and colleagues, Siddhartha and Mohan Kumaramangalam, and described us as forming a conclave or a consortium.

SHRI SHYAMNANDAN MISHRA Never saw the Law Ministry being run by four Ministers.

SHRI H. R. GOKHALE : He is very fond of conclaves and consortiums. I am sure that he likes that word, because they had a very good experiment of consortiums and conclaves at the last elections. That consortium, in any case, met with the fate that it deserved. At least we on this side belong to a mind which is alive and devoted to certain ideals which have unity of purpose. There, it was a consortium of people who believe in different kinds of things. I just now saw, a few minutes before the Prime Minister spoke, Mr. Vajpayee, Mr. Shyamnandan Mishra and Mr. Frank Anthony, forming another conclave or consortium here. I know that even this consortium or conclave opposed to the Bill will meet the same fate miserably which they met when a consortium was formed in the last elections.

Much have been said about the right to property. As I do and many others do, they repose faith in the Supreme Court and I would quote what the Supreme Court Judge has said. They are very wise words spoken by the Judge of the Supreme Court in the present context, not in the good old days, probably, in the last six months, and he says :

> "But the real difficulty arises when the two seem to conflict. Take for example "property". It requires no great prescience to see that if social changes that are indispensable—I emphasize the words "That are indispensable"—do

[Shri H. R. Gokhale]

not come gradually and by consent, they may come convulsively and by compulsion. The owning classes could fall into no greater error than to suppose that if property is to survive, poverty must also be accepted, because if poverty continues too long, the property system it self may cease to exist."

Therefore, in order that property should be an instrument for social justice, it should be an instrument for uprooting of poverty in the country which is an ideal of all of us. He is the same Judge whose name I mentioned yesterday and that is Mr. Hegde. He wrote an article recently dealing with Directive Principles and their relationship with Fundmental Rights. I have faith in Mr. Hegde and, for that matter, in every Supreme Court Judge provided they keep within their own limits.

The idea of property is not for personal aggrandisement because, if property survives, the more it gets entrenched into the hands of a limited few at the cost of many others who form a mass in the country, the result is not the mass will remain behind but, as Mr. Hegde said, the result will be that property will not survive. Poverty cannot survive in a country for long. No society, no democracy, can allow the society to subsist in poverty for any length of time. Therefore, the control on property for social ends is on accepted basis of all progress and that is the basis on which the present Bill has been brought before the House.

Some reference has been made to the amendments which were proposed. The Prime Minister has already referred briefly to some of these amendments. I would only like to clarify that the very first one, namely, amendment No. 11, has been now proposed to be substituted by another amendment ....

SHRI P. K. DEO : We are not dealing with amendments now. The amendments have not been moved yet.

SHRI H. R. GOKHALE : If you want me to deal with amendments later on, I will deal with them later on.

MR. SPEAKER : Later on.

SHRI H. R. GOKHALE : I will deal with them later on.

With these words, I support the Bill and I recommend to the House that it be taken into consideration.

SHRI FRANK ANTHONY : Sir, I want just one clarification on a crucial matter . . . (*Interruptions*)

SOME HON. MEMBERS : No, no.

17 hrs.

SHRI FRANK ANTHONY : Mr. Gokhale, may I have your attention please? Does the proposed 31C give the power to take away minority educational : institutions ?

SEVERAL HON. MEMBERS : No, no.

SHRI FRANK ANTHONY : Let him answer. Does it give the power, Mr. Gokhale ?

SHRI H. R. GOKHALE : It does not mean that those rights are taken away.

SHRI FRANK ANTHONY : Does it give the power to take away minority educational institutions ? You must give me an answer . . . (*Interruptions*)

SHRI H. R. GOKHALE : I have answered. If the hon. Member cannot follow it, what can I do ?

SHRI FRANK ANTHONY : Does it give the power to take away minority educational institutions ? He must give me the answer . . . (*Interruptions*) Does it give the power ?

I am seeking your protection, Sir. He cannot be deliberately dishonest like this. Does it give the power ?

MR. SPEAKER : Kindly sit down. Now, when that clause will come, you can seek that clarification.

SHRI FRANK ANTHONY : Because he spoke of it, Mr. Speaker.

MR. SPEAKER : Very well. When that clause comes, you can ask for the clarification.

SHRI H. R. GOKHALE : I can explain, but I cannot make him understand . . . (*Interruptions*)

SHRI FRANK ANTHONY : You cannot get away with this cheap gutter jibe, Mr. Gokhale. No cheap gutter jibe. I want to know from you. Does this give that power? It is crucial. All the minorities are vitally concerned. I am not getting a simple, honest answer . . . (*Interruptions*) I want a simple, honest answer. All the minorities. . .(*Interruptions*)

SHRIMATI INDIRA GANDHI : Mr. Anthony gets unnecessarily excited. It does not. So far as the minority institutions are concerned, so far as I have been able to understand, it does not change the present situation.

SHRI FRANK ANTHONY : Madam, I want to be very polite.

SHRIMATI INDIRA GANDHI : It exists to-day. That is the point.

SHRI FRANK ANTHONY : Please, you will be a little more forthright.

SHRI PILOO MODY : Madam, you have been misled deliberately.

SHRI FRANK ANTHONY : I have been pleading with you. Does 31C give the power, only the power—I do not say they will do so—to take away minority educational institutions ?

SHRIMATI INDIRA GANDHI : No such power is being taken here.

SHRI FRANK ANTHONY : Deliberately misled.

MR. SPEAKER : There should be a limit to it. Mr. Anthony, please sit down.

AN HON. MEMBER : Mr. Anthony wants to mislead the minorities.

MR. SPEAKER : Now, I will put the motion of Shri P. K. Deo to the vote of the House.

The question is :

"That the President of India be requested to refer the Bill to the Supreme Court under article 143 of the Constitution." (23)

The motion was negatived.

MR. SPEAKER : Now, I will put the amendment of Shri Atal Behari Vajpayee to the vote of the House.

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th February, 1972." (24)

The motion was negatived.

MR. SPEAKER : Now, I shall put the main motion for consideration of the Bill. This will be by Division.

Let the Lobbies be cleared . . .

The Lobbies have been cleared.

The question is :

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided :

AYES

Division No. 8] [17.11 hrs.

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Banamali Babu, Shri

Banerjee, Shri S. M.

Banerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S.C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhagirath Bhanwar, Shri

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri S. P.

Bhattacharyya, Shri Chapalendu

Bheeshmadev, Shri M.

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chanda, Shrimati Jyotsna

Chandra Gowda, Shri D. B.

Chandra Shekhar Singh, Shri

Chandrakar, Shri Chandulal

Chandrappan, Shri C.K.

Chandrashekarappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D. R.

Chavan, Shri Yeshwantrao

Chavda, Shri K. S.

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chhutten Lal, Shri

Chhudhary, Shri B. E.

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbir Singh, Shri

Dalip Singh, Shri

Damani, Shri S. R.

Dandavate, Prof. Madhu

Darbara Singh, Shri

Das, Shri Anadi Charan

Das, Shri Dharnidhar

Dasappa, Shri Tulsidas

Daschowdhury, Shri B. K.

Deb, Shri Dasaratha

Deo. Shri S. N. Singh

Desai, Shri Morarji

Deshmukh, Shri K. G.

Dhamankar, Shri

Dhandapani, Shri C. T.

Dharamgaj Singh, Shri

Dharia, Shri Mohan

Dhusia, Shri Anant Prasad

Dinesh Singh, Shri

Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra

Doda, Shri Hiralal

Dube, Shri J.P.

Dumada, Shri L. K.

Dwivedi, Shri Nageshwar

Gandhi, Shrimati Indira

Gangadeb, Shri P.

Garcha, Shri Devinder Singh

Gautam, Shri C. D.

Gavit, Shri T. H.

George, Shri A. C.

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Godara, Shri Mani Ram

Gogoi, Shri Tarun

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gopal, Shri K.

Gopalan, Shri A. K.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Govind Das, Dr.

Gowda, Shri Pampan

Guha, Shri Samar

Gupta, Shri Indrajit

Haldar, Shri Madhuryya

Hansda, Shri Subodh

Hanumanthaiya, Shri K.

Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Hazra, Shri Manoranjan
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jagjivan Ram, Shri
Jamilurrahman Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kale, Shri
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Kumari, Kumari
Kamala Prasad, Shri
Kamble, Shri T. D.
Kapur, Shri Sat Pal
Karan Singh, Dr.

Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Kulkarni, Shri Raja
Kumaramangalam, Shri S. Mohan
Kureel, Shri B. N.
Kushok Bakula, hri
Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Laskar, Shri Nihar
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain

Mandal, Shri Yamuna Prasad
Marandi, Shri Iswar
Maurya, Shri B. P.
Mayavan, Shri V.
Mehta, Dr. Jivraj
Melkote, Dr. G. S.
Menon, Shri V.K. Krishna
Minimata Agamdas, Shrimati
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mishra, Shri Shyamnandan
Misra, Shri S. N.
Modi, Shri Shrikishan
Mohammad Ismail, Shri
Mohammad Tahir, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Mukerjee, Shri H. N.
Mukherjee, Shri Samar
Munsi, Shri Priya Ranjan Das
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Oza, Shri Ghanshyam
Pahadia, Shri Jagannath
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parmar, Shri Bhaljibhai
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel Shri Natwarlal
Patel, Shri Prabhudas
Patil, Shri Anantrao
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.

Patnaik, Shri Banamali

Patnaik, Shri J. B.

Peje, Shri S.L.

Pillai, Shri R. Balakrishna

Prabodh Chandra Shri

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram, Shri Tulmohan

Ram Dhan, Shri

Ram Prakash, Shri

Ram Sewak, Ch.

Ram Swarup, Shri

Ramshekhar Prasad Singh, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Dr. K. L.

Rao, Shri K. Narayana

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri Nageswara

Rao, Shri P. Ankineedu Prasada

Rao, Shri Pattabhi Rama

Rao, Shri Rajagopala

Rathia, Shri Umed Singh

Raut, Shri Bhola

Ravi, Shri Vayalar

Ray, Shri Siddhartha Shankar

Reddi, Shri P. Antony

Reddy, Shri K. Kodanda Rami

Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Narasimha

Reddy, Shri Y. Eswara

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Roy, Dr. Saradish

Sadhu Ram, Shri

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Saini, Shri Mulki Raj

Saksena, Prof. S. L.

Salve, Shri N. K. P.

Samanta, Shri S. C.

Sambhali, Shri Ishaq

Sanghi, Shri N. K.

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satish Chandra, Shri

Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sen, Dr. Ranen
Sethi, Shri Arjun
Sethi, Shri P. C.
Sezhiyan, Shri
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B,
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Raja Ram
*Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shiva Chandika, Shri
Shivappa, Shri N.
Shivanath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri D. N.
Singh, Shri V. N. P.
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sinha, Shri Satyendra Narain
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Solanki, Shri Somchand
Sonar, Dr. A. G.
Stephen, Shri C. M.
Subramaniam, Shri C.
Subravelu, Shri
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar

*He voted by mistake from a wrong seat, and later informed the Speaker accordingly.

Swaran Singh, Shri
Swell, Shri G. G.
Tarodekar, Shri V. B.
Tayyab Hussain Khan, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tuisiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkataaubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Zulfiquar Ali Khan, Shri

NOES

Agarwal, Shri Virendra
Anthony, Shri Frank
Bade, Shri R. V.
Banera, Shri Hamendra Singh
Brij Raj Singh-Kotah, Shri
Chaudhary, Shri Ishwar
Chowhan, Shri Bharat Singh
Deo, Shri P. K.
Deo, Shri R. R. Singh
Godfrey, Shrimati M.
Joshi, Shri Jagannathrao
Kachwai, Shri Hukam Chand
Krishna Kumari Jodhpur, Rajmata
Lalji Bhai, Shri
Malik, Shri Mukhtiar Singh
Mody, Shri Piloo
Narendra Singh, Shri
Nayak, Shri Baksi
*Pandey, Shri Tarkeshwar
Pandeya, Dr. Laxminarain
Patel, Shri H. M.
Pradhan, Shri Dhan Shah
Ramkanwar, Shri
*Rao, Shri Jagannath
Shakya, Shri Maha Deepak Singh
Sharma, Shri R. R.
Yadav, Shri G. P.
Vajpayee, Shri Atal Bihari
Verma, Shri Phool Chand

*Wrongly voted for Noes.

MR. SPEAKER : The result** of the Division is :

Ayes 363; Noes 29.

The motion is carried by a majority to the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

MR. SPEAKER : We shall now take up clause-by-clause consideration.

Clause 2—(*Amendment of article* 31)

MR. SPEAKER : Members might send slips to the Table indicating the amendments they wish to move.

SHRI H. R. GOKHALE : I beg to move:

Page 1, line 16—*for* 'such amount is to be given otherwise than in cash.";' *substitute*—

'such amount is to be given otherwise than in cash :

Provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1) of article 30, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.";' (57)

SHRI SHANKERRAO SAVANT (Kolaba) : I beg to move :

Page 1, line 15,—

After "that" *insert*—

"the principles in accordance with which such amount is determined are not reasonable or equitable or that" (1)

SHRI M. KALYANASUNDARAM : I beg to move :

Page 1, line 19,—

after "(f)" *insert* "and (g)" (14)

SHRI SHYAMNANDAN MISHRA : I beg to move :

Page 1,

after line 16, *insert*—

"Provided that where any law makes any provision for the compulsory acquisition of any property within the ceiling fixed by the State or of an educational institution, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof, and is payable in case within one year." (26)

SHRI HUKAM CHAND KACHWAI (Morena) : I beg to move :

Page 1,—

after line 16, *insert*—

"Provided that where any law makes any provision for the compulsory aquisitition of any property belonging to persons of Scheduled Castes and Scheduled Tribes or of other weaker sections of the society, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof;" (33)

**The following Members also recorded their votes for AYES :

Sarvashri Panna Lal Barupal, Robin Kakoti, P. Bayappa Reddy, R.G. Tiwari, M. R. Lakshminarayanan, K. Kamaraj, Jharkhande Rai, K. Balathandayutham, Biren Dutta, Jagannath Rao and Tarkeshwar Pandey.

SHRI ATAL BIHARI VAJPAYEE : I beg to move :

Page 1,—

after line 16, *insert*—

"Provided that where any law makes any provision for the compulsory acquisition of any estate with area less than the agricultural ceiling prescribed under the existing law relating to land tenures in force in that area, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof;

Provided also that where any law makes any provision for the compulsory acquisition of any property of market value of less than rupees three lacs, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof.

Explanation. —In this section the expression "estate" shall have the same meaning as it has in article 31 of the Constitution." (35)

SHRI RAMAVATAR SHASTRI (Patna) : I beg to move :

Page 1,—

for lines 13 to 16, *substitute*—

'manner as may be specified in such law; no such law shall be called in question in any court on any ground whatsoever.".' (42)

Page 1, line 19,—

for "in sub-clause (f) of clause (1) of article 19" *substitute* "in part III of the Constitution" (44)

PROF. MADHU DANDAVATE (Rajapur) : I beg to move :

Page 1, line 11 :

after "amount" *insert*—

"for rehabilitation purposes in cases of genuine hardships" (49)

SHRI SAMAR GUHA : I beg to move :

Page 1 :

after line 16, *insert*—

'Provided that where any law makes any provision for compulsory acquisition of any estate with area less than the agricultural ceiling prescribed under the existing law relating to land tenure in force in that area, and where the owner or owners of the estate has or have no other property more than rupees one lakh and no annual income more than rupees twenty thousand, such acquisition shall not be lawful unless the amount fixed by or determined under such law for acquisition of such property is not less than the market value thereof.

Provided further that where any law makes any provision for compulsory acquisition of any property of market value less than rupees one lakh, and where the owner of the property has no other property more than rupees one lakh or annual income more than rupees twenty thousand, such acquisition shall not be lawful unless the amount fixed or determined under such law for acquisition of such property is not less than the market value thereof.

Explanation.—In this section the expression "estate" shall have the same meaning as it has in article 31 of the Constitution.' (51)

MR. SPEAKER : The clause as well as the amendments are now before the House.

SHRI INDRAJIT GUPTA : Amendment No. 57 was circulated to us only this morning. If he wants to say something on it, afterwards I hope you will permit us to make our observations.

MR. SPEAKER : He has already moved it.

SHRI INDRAJIT GUPTA : I do not know whether he wants to say anything. (*Interruption*)

SHRI FRANK ANTHONY : I would seek your guidance in the matter. No. 19 is an amendment to amendment No. 11 which was Mr. Gokhale's original amendment.

SHRI H. R. GOKHALE : I have not moved it.

MR. SPEAKER : He has not moved it.

SHRI FRANK ANTHONY : Although he has not moved it, still, my amendment . . . .

MR. SPEAKER : When he has not moved, to what amendment is your amendment then ?

SHRI FRANK ANTHONY : That is why I am seeking your guidance.

MR. SPEAKER : You can otherwise also speak, but he has not moved that amendment on which you want to speak.

SHRI FRANK ANTHONY : Please give us the right to speak on amendment No. 57, because we have given amendments on his amendment No. 11.

MR. SPEAKER : I will be asking a few Members just for two to three minutes each. I think it will take us up to 7.30 or even 8 p.m. Do you want to explain your amendment, Mr. Gokhale ?

SHRI H. R. GOKHALE : I shall briefly say it. The purpose of this amendment No. 57 is to protect the rights of the minorities which are already conferred on them under article 30(1) of the Constitution. The fundamental rights in article 30(1) refer to the right of the minorities, in respect of their educational institutions. It reads like this :

> "All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice."

Now, the fundamental right under this clause is a right given to all minorities, irrespective of their being based on religion or language, to have the right to establish and administer educational institutions of their choice. Since some apprehensions were expressed in the last session and perhaps in this session also, it was thought necessary in consonance with the basic idea underlying the Constitutional provisions and the policy of the Government, that the minorities should be reassured that the proposed Bill will not in anyway abridge or abrogate their existing rights under article 30(1). In short, it only retains, reassured and reiterates the protection which is already given under article 30(1); it neither expands that right nor curtails it. That is to allay the fears of the minorities; the purpose being to assure them that this will not affect their right under article 30(1), whatever that right may be.

SHRI FRANK ANTHONY : Mr. Speaker, Sir, quite frankly, I am unable to understand the reason for this change, amendment to amendment. The original amendment No. 11 was some small gesture to the minorities because it spelt out that market value would be given. Now, we have got this new amendment No. 57.

With great respect, I must say I do not accept Mr. Gokhale's interpretation. Since

[Shri Frank Anthony]

leaving the Bar, he seems to have left a lot of his knowledge of law.

SHRI H. R. GOKHALE : I have added.

SHRI FRANK ANTHONY : May have added, but you seem to have abandoned it or abdicated it. If what Mr. Gokhale says is correct, that article 30(1) is intact, you are mainly reaffirming it, then, may I plead with Mr. Gokhale, please do not impose this moth-eaten, truncated fraud on the minorities? At least the other one gave market value. Now, because of pressure from some ranters in the party, this is done. According to press reports, one of the ranters did not know what he was talking about. He said, "how can you give market value if you take over the Aligarh Muslim University and not give it if you take over the Banaras Hindu University?" These are the kinds of ranters who now count in the ruling party. They do not realise things. In regard to the Aligarh Muslim University, I argued the first case, and I withdrew it because I knew they were going to lose it. And the Supreme Court said—I do not know whether Mr. Gokhale has forgotten all his law already—that the Aligarh Muslim University is not a minority institution; it does not attract article 30(1) because the Muslims were not able to prove that they had established it. So, this ranting went on, on misconceived, ignorant premises. You go back on these little gestures to the minorities; I say look at the legal significance.

The other one is market value. I said: please make it in cash; otherwise it gives it no content or meaning if you give us bonds 50 years hence. You have deliberately taken out market value. Look at this skulduggery. Why are you not honest? I do not understand this behaviour of the ruling party. Hypocricy and skulduggery have become their second nature. You take it away. I am opposing this because this is a fraud on the minorities. You are merely pretending solicitude for minority. Mr. Speaker, have you seen this new position, this is skulduggery? There was full market value. Now they say for the acquisition of such property they give an amount so that it will not restrict or abrogate that right.

Mr. Gokhale is not listening to me because he is going to indulge in cheap jibe. Why not use the word restrict? It might have had some meaning. But they have put in the word "abrogate". They juxtapose it. What is it? If the property is worth Rs. 50 lakhs, you have to give me Rs. 50 lakhs even if it is by way of bonds. By bringing in the word "abrogate"—restricted would have had some meaning—you can say: I am taking over your institution compulsorily; for Rs. 50 lakhs, I shall give you Rs. 50,000; I am not abrogating your right. This is a joke and the whole thing is a joke. This is why I am asking my friend to withdraw it and not perpetrate a further fraud on the minorities.

SHRI INDRAJIT GUPTA : As we understand it, amendment No. 57 is certainly an improvement on amendment No. 11. Because here as I had tried to explain in my remarks during the general discussion, we are not concerned with compensation for educational institution as such but for the property of an educational institution. That is how it has been stated both in 11 and 57. I had expressed some apprehensions solely on this score. I want that the rights of the minorities under 30 and 26 should be defended to be hilt.... (*Interruptions*) The right under article 30 is not the right to hold unlimited properties but the right of the minorities to establish and administer educational institutions.

I want some clarification from the hon. Minister. There may be there may not be—educational institutions which have come

into possession of large properties, whether by ways of lands or production units or factories which are all in the name of that educational institution but may have nothing whatsoever to do with the educational purpose of that institution. Of course it may be argued by those who run that institution that the income derived from those properties is necessary for running the institution. Under the cover of this plea any amount of property can be acquired even after this amendment is passed can be transferred to the name of an educational institution, whether it be a trust or something else.

This to my mind is a very real danger which is not provided for at all; there is no safeguard against it. There is no safeguard against the misuse of this article. The hon. Minister knows that are such institutions even today belonging to people who are members of certain minority communities. They happen to be members of certain minority communities but I think they are themselves representing certain vested interests. They own properties running into lakhs and crores of rupees, lands and all sorts of things.

The other day when the Coaking Coal Mines Takeover Bill was brought in here, somebody came to see me on behalf of two coaking coal mines which were run by some company in Bihar in Jharia or Dhanbad. I have got those papers with me. They explained to me that there was some educational or charitable trust which was run on the proceeds of those two coaking coal mines and therefore they said that those should be exempted and should not be taken over.

So, coking coal mines can also become a part of an educational institution if proper adjustments are made. And I have said yesterday that when you speak of a linguistic minority, there are rich and powerful people who are owning crores worth of property in States other than their own, the State of their origin. I have given the example of Birla, there are many like him, who operates mainly from Calcutta. He certainly can claim that he is a member of a linguistic minority so long as he is in West Bengal, and all his properties not only in West Bengal but even properties which may be in Rajasthan or anywhere else, can be transferred, after this amendment is passed, to the name of some educational trust in Calcutta. And when you take them over, you will have to pay them compensation. Of course, formerly it was said that they would pay the market value, which is astonishing. Now some sense has dawned on them and that has been removed. The amendment reads :

"Such amount is to be given otherwise than in cash :

> provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1) of article 30..."

But that right is only the right to administer educational institutions. It is not the right, in the name of educational institutions, to own unlimited property which may have no direct nexus with educational purposes. If you had restricted this to the actual educational institutions, the buildings of the schools or colleges with their playgrounds etc. which are necessary for that educational institution, I would have no objection whatsoever. I might even agree to the payment of market value, but when you bring in this omnibus clause that any property ..... (*interruptions*)

I do not know he is suffering from some sort of guilty conscience. I do not know whether his educational institutions own such vast properties.

SHRI FRANK ANTHONY : Nothing at all.

SHRI INDRAJIT GUPTA : I have not got him in mind, because I do not know anything about his institutions, but there are such institutions and in future such institutions will be able to transfer further properties in their name. That is the apprehension we have got. If you insist on keeping it as it is, I am afraid we will not be able to support this particular amendment. But I would like to know from the Minister what he thinks of these apprehensions which we think are very legitimate.

SARI SAMAR MUKHERJEE (Howrah): I fully share the views expressed by Shri Indrajit Gupta regarding these amendments, because in the name of educational institutions a regular business is going on in many parts of the country and huge amounts have been amassed and these institutions have become the centres of reaction and corruption. I have cited the example of the Catholic Church in Kerala in my speech yesterday. But the amendment provides that these institutions can use them as a source of income and business and amass huge properties. In any case, if you take over their properties, you have to pay them full compensation. That cannot be supported. That is why I also ask the Mover to withdraw the amendment.

PROF. MADHU DANDAVATE (Rajapur) : I have given an amendment which completely accepts the spirit of the Bill, and I request Shri Gokhale that the Bill should be strengthened further in the light of the objects mentioned in the Statement of Objects and Reasons. Therefore in order to tighten the word "amount" which has been put in place of "compensation", I suggest that it should be "amount for rehabilitation purposes in cases of genuine hardship".

My only contention is that having said that in place of "compensation" the word "amount" will be there, it is very likely that even the word 'amount' may be misused. Therefore, to tighten it up further, I have said, "amount for rehabilitation purposes in case of genuine hardships", so that the amount is not going to be given to those affluent sections who may utilise that amount further to perpetuate the misery of the masses. In order to ward off this danger, I have suggested this small amendment, which completely fits into the radical concept of the amendment Bill already moved by Government and I hope it will be accepted.

SHRI JAGANNATH RAO JOSHI (Shajapur) : Are we discussing only the Government amendment or all the amendments?

MR. SPEAKER : The whole of clause 2 with all the amendments moved are under discussion. We have never discussed the amendments separately at any time. They are always discussed along with the clause.

श्री जगन्नाथ राव जोशी : अध्यक्ष महोदय, मैंने भी एक संशोधन दिया है, जिस के अन्दर यह मांग की है कि मर्यादा के अन्तर्गत जो भी सम्पत्ति हो, चल-अचल, उसका पूरा मुआवजा मिलना चाहिये, किन्तु इस बात को मंत्री महोदय ने स्वीकार नहीं किया, यह कह कर कि यह गरीबों की भलाई के लिये है । किन्तु यह जो संशोधन अपने संविधान के लिये आया, वह जिस समय इस सदन के अन्दर पेश हुआ, उस समय और उसमें कोई संशोधन नहीं आया था, किन्तु जब प्रत्यक्ष में उस पर चर्चा शुरू हुई, उस समय जो संशोधन सामने था, उसमें भी फिर संशोधन आया । इससे यह पता चलता है कि किसनी बदबाजी में हम कोड काम कर रहे हैं ।

क्योंकि After all, this is going to be an enabling provision. आप क्या करेंगे, करने के लिये यह अधिकार है? तो सवाल यह आता है कि करने का अधिकार हम आप को दे रहे हैं, जिन का 24 सालों का सारा चिट्ठा हमारे सामने है।

अभी प्रधान मंत्री ने कहा था— We have returned from Ghaziabad with a new found enthusiasm for socialism. हम तो भारतीय संस्कृति के आधार पर खड़े हैं और भारतीय संस्कृति सोशलिज्म को अपूर्ण दर्शन मानती है, क्योंकि मानव का मतलब केवल शरीर नहीं होता, उस में शरीर, मन, बुद्धि, आत्मा, चारों आते हैं। इसलिये समाजवाद के अन्तर्गत हम सामाजिक न्याय को समझते हैं और 24 सालों के अन्दर आप लोगों ने कितना सामाजिक न्याय इस देश में प्रस्थापित किया है यह देखना जरूरी है। आज के जो नई कांग्रेस के माननीय अध्यक्ष हैं श्री संजीवैया जी ने जब पुराने जमाने में अध्यक्ष थे, उन्होंने कहा था The pauper inside the Congress has turned into a multi-millionaire. मैं समझ सकता हूँ कि सम्पत्ति जरूर बटे, यह बटने के लिये होती है, किन्तु मेरे सामने जो उदाहरण हैं उसमें सम्पत्ति एक्वायर की गई है। सम्पत्ति बांटी नहीं गई है। यह मैं नहीं कह रहा हूं आपके कांग्रेस अध्यक्ष कह रहे हैं यह सम्पत्ति कैसे अर्जित की गई, यह सम्पत्ति आपके पास कैसे आई, यह क्या गरीबी को हटाने की बात है।

बहुत बार यहां कहा जाता है कि We have received a massive mandate. 1952 से लेकर 1971 तक कभी भी आप को मतदान में 50 प्रतिशत वोट नहीं मिले। यह जो मैसिव मैन्डेट की बात आप करते हैं There also you represent only 43.8 per cent. इसलिये मैं उसमें जाना नहीं चाहता हूँ, लेकिन देखना जरूर चाहता हूं कि गरीबों की आपने कितनी भलाई की है। यहां पर पब्लिक सैक्टर और प्राइवेट सैक्टर की बात प्रधान मंत्री जी ने कही, मुझे उसको सुन कर दुख हुआ। प्राइवेट सैक्टर ठीक नहीं चलता, यह आप कब बतायेंगे जब पब्लिक सैक्टर को अच्छी तरह से चला कर दिखायेंगे, उसका लाभ जनता को होगा, जनता का जीवन स्तर ऊंचा होगा लेकिन 24 सालों के अन्दर ऐसा नहीं हुआ। जब प्रापर्टी अर्जित की जाती है तो उस समय नीयत पर शक करना पड़ता है। यही बात श्री फ्रैंक एन्टनी बार-बार कहते थे remove property from the Fundamental Rights Chapter. उनका कहना यही है कि सम्पत्ति को मूल-भूत अधिकार से निकाल दीजिये, क्योंकि एक बार सम्पत्ति के नाम पर मूलभूत अधिकार को हाथ लगाने की प्रवृत्ति पैदा हो गई, तो फिर विचार-स्वातन्त्र्य, सगठन स्वातन्त्र्य, वाक-स्वातन्त्र्य, ये सब समाप्त हो जायेंगे।

मेरे सामने गृह मंत्री बैठे हैं, ये कहते फिरते हैं कि हां राष्ट्रीय स्वयं सेवक संघ पर पाबन्दी लगाने वाले हैं यानी 46 साल से काम करने वाली संस्था, जिसकी गतिविधियां क्या हैं, हमने बार-बार बतलाया है, साम्प्रदायिकता के खिलाफ हम भी हैं, किन्तु साम्प्रदायिकता किसे कहा जाय, इस के लिये आयोग बैठाइये, परन्तु इसके लिये तैयार नहीं हैं, क्योंकि एक बार हाथ में अधिकार आया मूलभूत अधिकार को दबाने के लिये, तो फिर कौन-कौन-से मूलभूत अधिकार दबाये जायेंगे। Frank Anthony was

[श्री जगन्नाथ राव जोशी]

quite right when he wanted a categorical reply from the Home Minister whether it gives the right or not. यह राइट यूज होगा या मिसयूज होगा। मैं एक-एक कर के बतलाना चाहता हूं क्योंकि आप लोगों ने इसको स्वीकार किया है।

मैं प्रधान मंत्री जी से कुछ क्लारिफिकेशन पूछना चाहता था। प्रधान मंत्री जी कहती हैं Tiller of the soil should be the owner. इस प्रिन्सिपल को आपने स्वीकार किया है, लेकिन पिछली चुनाव में संयुक्त समाजवादी पार्टी ने यह बात उठाई थी कि प्रधान मंत्री जी के पास भी जमीन है। यह बात मुझ को समझ में नहीं आई If you accept the principle that the tiller of the soil should be the owner, then what right have you to own that property. वह एक बीघा है या दो बीघा है, सवाल यह नहीं है। If we believe in that principle, let us accept it honestly and truthfully. वह किसी किसान को दे देतीं।

ऐसी स्थिति में मुझे यह कहना है कि अगर आप रीअल आनेस्ट हैं और भलाई करना चाहते हैं तो जरूर कीजिये। हमने सीलिंग का विरोध नहीं किया है। हमने यह नहीं कहा कि सम्पत्ति पर मर्यादा नहीं लगाओ। हमने बार-बार यही कहा है और जब सहकारी खेती के नाम पर किसानों की खेती छीने जाने की बात उठी, हम उसके खिलाफ रहे। जागीरदारी एबोलीशन और जमींदारी एबोलीशन का विरोध नहीं किया, लेकिन जब हम को लगा कि कोआपरेटिव फार्मिंग के नाम पर छोटे किसानों की जमीन छीनी जायगी, तो हम खड़े हो गये। आज आप हमको बतलाते हैं कि आप इसमें किसानों का कल्याण समझते हैं, लेकिन आप कुछ करके क्यों नहीं दिखलाते।

आज वित्त मंत्री जी यहां नहीं है, वित्त मंत्री जी पिछले साल कुकड़ी प्रोजेक्ट का जो पूना के पास भूमि पूजन करने गए थे। वहां के जो इर्द-गिर्द के लोग थे, वे आए और उन्होंने मांग की कि कुकड़ी प्रोजेक्ट से जो गांव डूब जायेंगे, जिनकी जमीनों को लिया जाएगा, पहले उनके बसाने की व्यवस्था की जाए। तुंगभद्रा प्रोजेक्ट जो हास्पेट में है, आप वहां जाइए। मोहसिन साहब यहां बैठे हैं, उनसे पूछिए। जिनकी जमीन डूब गई, उनको अभी तक मुआवजा नहीं मिला है। वे छोटे आदमी कहां जांय, कहां दर-दर भटकें।

एक बार कानून बन जाएगा तो उसके अन्दर बड़े आदमी पकड़े नहीं जाते। टैक्स इवेजन के लिए बड़े आदमी पकड़े नहीं जाते। बैंक फ्राड में जो दो आदमी इन्वाल्व थे, नागरवाला और मल्होत्रा, हमने अपनी आंखों से देखा—नागरवाला को एक दिन में सजा हो गई, लेकिन मल्होत्रा को अभी तक सजा नहीं हुई—यह कौन-सी व्यवस्था है, कौनसा कानून है। एक बार अधिकार आए तो फिर जैसे मर्जी आए वैसे करना। यही प्रवृत्ति आज 24 सालों से चल रही — I am prepared to exchange my property with anyone of you. Let him accept the challenge. भारतीय संस्कृति के समाज की कल्पना का आपको पता नहीं है। समाज को समर्पण और त्याग की जरूरत है।

इसलिए हमने मांग की थी और मैं कहना चाहता हूं कि आपने मर्यादा को स्वीकार किया, हमने भी मर्यादा को स्वीकार

किया। सम्पत्ति कोई ऐसी चीज नहीं है जिस में परिवर्तन न हो सके। समाज, काल और परिस्थिति के अनुसार सम्पत्ति की कल्पना बदलती है। किसी जमाने में स्वयं स्त्री सम्पत्ति समझी जाती थी। उपानिषद में कहा गया है कि—

ईशावास्यं इदं सर्वं याक्तियं
जगतयं जगत।

समग्र परमेश्वर का होने की वजह से केवल अपने जीने के लिए, देह को यन्त्र समझ कर साधन के रूप में जितना लेना है, नैवेद्य के रूप में लेना है, लेकिन जो उतना न लेकर समाज को न देते हुए खुद खाता है, उसको गीता में "चोर" कहा है। आप अब बतलाइये आप कौनसी नई बात कह रहे हैं।

Money has a tendency to accumulate. You speak of the exploiters. Those who entertain the people and collect money. ऐसे सिनेमा के एक्टर्स हैं। एक्टर्स हैं, एक्ट्रेसेज हैं। They never exploit; they entertain and they get lakhs of rupees. उनका पैसा समाज के लिए कैसे आयेगा? They bring not only pups from England but even dog biscuits wasting our foreign exchange.

आखिर यह जो संस्कार होते हैं वह कहां हैं? संजीवैया जी ने बताया था पापर टर्म्ड इन्टु ए मल्टीमिलिनेयर। अपने देश में मल्टी-मिलियनेयर्स ने कुयें बनवाए थे, धर्मशालायें बनवाई थीं, तालाब खुदवाए थे और अन्य क्षेत्र बनवाए थे, वह कहां हैं? एक ने भी अब जो प्रापर्टी अर्जित की उसने नदी पर घाट बनवाए, धर्मशालायें बनवाई? किसी ने रोका नहीं, आप गांव-गांव में जाकर कर सकते थे लेकिन नहीं किया। इसलिए मैं कहना चाहता हूं कि छोटा आदमी इसके अन्दर रगड़ा न जाए। इसलिए आज भी हम मांग करते हैं कि जो भी मर्यादा लगाएं उसके अन्तर्गत कोई छोटी जमीन हो या गांव में कोई छोटा मकान या खेत हो या दुकान हो उसको पूरा मुआविजा दिए बिना छीना नहीं जाना चाहिए। बड़ी सम्पत्ति पर पूरा मुआविजा देने की आवश्यकता नहीं है। इस बात को हमने स्वीकार किया है। सम्पत्ति पर मर्यादा लगाने का सिद्धान्त हमने स्वीकार किया है लेकिन यदि एक बार समग्र मूलभूत अधिकार को दबाने की प्रवृत्ति पैदा हो जाएगी तो वह केवल सम्पत्ति तक ही सीमित नहीं रहेगी।

अध्यक्ष महोदय, आज नये-नये प्रवक्ता तो यहां बैठे हैं लेकिन हमारे पुराने कांग्रेसी कोई नजर नहीं आते। अब कभी जगजीवन राम जी नहीं बोलते, यशवन्तराव चव्हाण नहीं बोलते, आजकल तो हर बात के लिए बोलने लगे हैं श्री मोहन कुमारमंगलम लेकिन ये कांग्रेसी कब से बन गए?··· (व्यवधान)··· इसीलिए हमें शक पैदा हो जाता है। जबसे ये प्रवक्ता आए हैं तब से ऐसी बातें हो रही हैं। This was not the first time the Supreme Court had declared anything *ultra vires*.

अल्ट्रावायर्स बहुत बार हुआ है लेकिन अल्ट्रावायर्स डिक्लेयर होने के बाद भी उनकी खामियों पर भी अमेंडमेंन्ट लाए जाते थे। Nobody used to denigrate the courts. आखिर डेमोक्रेसी पर हमारा भरोसा है। We cannot denigrate the courts. जैसे हमारे में कोई कमी होती है तो हम ठीक करते हैं वैसे ही उनको भी यदि लगे

[श्री जगन्नाथ राव जोशी]

कि कुछ कमी है तो उसको ठीक करना चाहिए। लेकिन पिछली बार श्री मोहन कुमारमंगलम ने जो कहा उसको हमने सुना तो बड़ा दुख हुआ।

He said, "Look at the composition of these Judges; do they come from the working class?" Is there any gentleman here who comes from the working class? Does the Prime Minister or anybody else? Why do you denigrate them for nothing. I do not understand. You may not agree with the decision of the Court but what right have you to denigrate the Court? I may not agree with Shri Anthony. But I am very sorry to say, cheap jibe is not good.

इसलिए अध्यक्ष महोदय, हम केवल यही चाहते हैं कि किसी छोटे आदमी की कोई छोटी सम्पत्ति हो, कोई छोटा मकान हो, दुकान हो या खेत हो तो उसको बिना पूरा मुआवजा दिए न लिया जाए और यदि इस बात को सरकार स्वीकार करले तो हम भी इसका समर्थन करने के लिए तैयार हैं।

SHRI SHYAMNANDAN MISHRA : Sir, my difficulty is that although I make my points perfectly clear, they do not seep into the consciousness of the Government Benches. I had earlier thought that the Prime Minister had a deeper understanding of me and that when I went deeper in any matter she would understand it. But probably what I said earlier got stuck on the superficial level on the other side. That is the case as far as the hon. Law Minister is concerned.

However, with regard to amendment No. 57 moved by the hon. Law Minister I have only to say that the way in which this amendment has been brought in substitutions of amendment No. 11, makes the whole matter very intriguing; in fact it goes to confirm the fears and apprehensions of the minorities about the fate of their educational institutions. This amendment has made the matter worse and I can only say that I cannot express any great admiration for the way in which this amendment has been phrased. The amendment says :

> "that the amount would not be such as would restrict or abrogate".

One could understand that the amount would not be such as would have the effect of restricting the minority rights. But so far as I understand the English language, there is absolutely no correlation between the amount and the restriction unless you interpret it in a very very far-fetched way. You could have brought it out very clearly and said that the amount would not be of such a nature as would have the effect of restriction. You do not stop at restriction; you go to abrogation. That nullifies the whole thing. That means the abrogation of the assurance that is embodied in this. I would, therefore, submit that at least the word "abrogation" should be taken away from this.

Now, I come to my amendment No. 26. There, I have pleaded that holders of small property, that is, property which lies within the ceiling, should be protected. I have also said that in the matter of educational institutions there should be no discrimination. Probably, that will be vulnerable to attack in the court. So, I have spoken of the educational institutions as a whole.

Then, my specific submission is that the amount payable to them must be in cash and in no other form. Further, so far as small holders are concerned, the amount that should be paid to them should not only be the form of cash but also must be paid within a year. We have got the experience that sometimes compensation is not available within 10 years. You can therefore, imagine the plight of the small holders. So, I have moved this amendment

that small holders and educational institutions should be paid compensation at the market value and that amount should be in cash and payable within 1 year. I hope, it would be accepted.

SHRI M. KALYANASUNDARAM : Mr. Speaker, Sir, I rise to speak on my amendment No. 14. A new clause 2(b) is being inserted to article 31 of the Constitution which is sought to protect the legislation that may be passed under the power of clause 2 against any perversion relying on the Fundamental Rights. That is the purpose of clause 2(b). But in my opinion, why should it be confined to only sub-clause (f) of clause 1 of article 19?

I have suggested that sub-clause (g) of clause 1 of article 19 may also be included in the new clause. The purpose is this. Sub-clause (f) deals with the right to acquire, hold and dispose of property. Sub-clause (g) deals with the right to carry on business or occupation anywhere.

When the property is required for public purpose, it can be acquired without any legal interference. Why not business also be covered? For instance, the Tamil Nadu Government has fixed a ceiling for bus routes, that is no bus operator can own more than 10 routes. They have also passed a legislation to nationalise bus routes of these operators who own more than 50 bus routes. There are some operators who own about 100 bus routes. So, if those buses are nationalised and if those buses are taken over, if they go to the court, they can claim market value. The market value will be several times more in the case of bus operators and the buses. That is why I suggest that sub-clause (g) may also be included so that a most progressive legislation of that nature can be brought in in order to prevent concentration of wealth in the hands of a few. That is the purpose of this amendment which I have given notice of and I request that the Minister may kindly examine this if he has already not done so.

SHRI SAMAR GUHA : I am also endorsing the views expressed by Mr. Indrajit Gupta and Mr. Samar Mukherjee. But I want certain clarification.

Suppose certain educational or religious institutions are being run by the minority communities. In a certain State 'A' community may be a majority community while 'B' community may be a minority community. Then, if you take the property of 'A' community and do not take the property of 'B' community because they are being treated as a minority community, the policy is against our whole concept of secular democracy. That will only create jealousy and a hiatus between the two communities. That will also perpetuate the discrimination of one community against another community and it will go against the whole concept of our secular democracy.

There is another point. Some rich men may shift their properties to such educational and religious institutions run by the minorities and they may be utilised for monopoly purposes or for purposes other than running the educational institutions. Another point that is worrying me is that there are both religious minorities and linguistic minorities. There is scope for central law as also for State law. Take for instance the Sikh community. In the case of the Central law, the Sikh community is treated as a minority. But they are a majority community in Punjab. They will be a minority community in West Bengal. In the case of a central law passed by the Parliament, the Sikhs will be treated as a minority all over the country, but in the case of a law passed by Punjab, they will be the majority community, whereas in a similar law passed in West Bengal, they will be treated as a minority. Similarly, Bengalis will be

[Shri Samar Guha]

treated as a majority community in West Bengal but a linguistic minority in Bihar or Orissa. In this case, the same principle, when applied in the case of a law passed by the Parliament will have one meaning and the law passed by the State legislature will have another meaning. So, some confusion will be created and some complication is bound to arise. A minority in the national perspective will be treated as a majority from the State perspective. This will create confusion. I want some clarification from the Law Minister in this regard.

श्री रामावतार शास्त्री (पटना) : अध्यक्ष महोदय, मेरा संशोधन इस प्रकार है :

Page 1,—

for lines 13 to 16, *substitute*—

"manner as may be specified in such law; no such law shall be called in question in any court on any ground whatsoever."

मैं इसलिये यह संशोधन पेश कर रहा हूं कि अभी भी कुछ छिद्र बच जाते हैं और जो सम्पत्ति वाले लोग हैं वह उससे निकलने की कोशिश कर सकते हैं। इसलिये मेरे बतलाये हुए शब्दों को जोड़कर साफ-साफ कह दिया जाये कि उन्हें कोई मौका नहीं मिलेगा। जो शब्द मैं निकालना चाहता हूं उनमें अमाउंट की बात कही गई है, कैश की बात कही गई है। इसको बिल्कुल निकाल देना चाहिए ताकि जो लोग रास्ता निकालकर इस बिल के परपज को डिफीट करना चाहते हैं उनको उसका मौका न मिल सके। हमको साफ-साफ बात कहनी चाहिये ताकि उनके लिए रास्ता निकालना सम्भव न हो सके।

दूसरी बात यह है कि यहां पर अल्पसंख्यकों के नाम पर रास्ता निकालने की कोशिश की जा रही है और बड़े-बड़े लोगों को अपनी सम्पत्ति बचाने का मौका दिया जा रहा है। इसके सम्बन्ध में एक आध बातें मैं अपने राज्य के अनुभव पर कहना चाहता हूं। बिहार में बहुत से मठ हैं और मठाधीश भी हैं। खासकर छोटा नागपुर में आनन्द मार्ग के लोग बहुत बड़े पैमाने पर आदिवासियों के नाम पर जगह-जगह पर स्कूल खोल रहे हैं। जो संशोधन श्री मोखले ने पेश किया है उसमें यदि मेरे बतलाये हुए शब्द जोड़ दिये जायें तो उन मठाधीशों को मौका नहीं मिलेगा कि हरिजनों के नाम पर वे अपनी सम्पत्ति बचा सकें। ऐसे लोगों को मौका नहीं देना चाहिये जो माइनारिटीज के नाम पर अपनी बड़ी सम्पत्ति बचाना चाहते हैं। जो संशोधन मंत्री महोदय ने पेश किया है उसकी जरूरत नहीं है, उसके स्थान पर जो संशोधन मैंने पेश किया है उसको स्वीकार किया जाये ताकि जिस उद्देश्य के लिये बिल रक्खा गया है उसको हम पूरा कर सकें।

श्री हुकमचन्द कछवाय (मुरेना) : अध्यक्ष महोदय, हिन्दुस्तान में हरिजन और आदिम जातियों के लोग बहुत बड़ी संख्या में हैं और उन लोगों ने जो कमाई की है वह उनके गाढ़े पसीने की कमाई है। यहां बहुत से मेम्बर बैठे हुए हैं जो स्वयं आदिवासी हैं।

एक माननीय सदस्य : हमें कौन-सा डर है? आज हरिजनों को कोई भय नहीं है। (व्यवधान)

श्री हुकमचन्द कछवाय : मैं इस सम्बन्ध में यह कहना चाहता हूं कि अगर कहीं पर हरिजनों या आदिम जातियों की सम्पत्ति ली जाये तो उनको बाजार भाव पर उसका

दाम दिया जाये। यहां पर बहुत से मेम्बर हैं जो जानते हैं कि किस तरह से उन लोगों के द्वारा कमाई की जाती है। और वह इस बात को समझ सकते हैं कि पूरा दाम मिलना चाहिये। मैं समझता हूं कि मंत्री महोदय मेरे संशोधन को स्वीकार कर लेंगे और सदन भी उसको अपना पूरा समर्थन देगा।

SHRI H. R. GOKHALE: I have heard the comments on the amendment proposed by me as well as the other amendments.

A relevant point was raised by Shri Indrajit Gupta, and I would deal with that first. I want to assure him that the apprehension which he had expressed is not true, so far as the present amendment is concerned. If he will read the amendment, he will find that it does no better or no worse than reiterate the protection which is already given to the minorities, whether linguistic or religious, under article 30 (1).

SHRI FRANK ANTHONY : Why does he want to put it in ?

SHRI H. R. GOKHALE: I do not want this running commentary. I am now dealing with Shri Indrajit Gupta's point, and I shall deal with Shri Frank Anthony's point later.

SHRI FRANK ANTHONY : Why does he not reply ? We do not want him to reiterate it. Why does he want to reiterate it ?

MR. SPEAKER : For a Member of his standing, to go on doing like this is not very proper.

SHRI SHYAMNANDAN MISHRA : But the implication of his remark that he is having a private talk with Shri Indrajit Gupta is not correct.

SHRI H. R. GOKHALE : I am not having a talk with him.

SHRI SHYAMNANDAN MISHRA : He has to address the House as a whole.

SHRI H. R. GOKHALE : I am dealing with Shri Indrajit Gupta's comments. I shall deal with everybody's comments. I am dealing with Shri Indrajit Gupta's comments now.

SHRI SHYAMNANDAN MISHRA : But he is dealing with them for the purpose of the whole House.

SHRI H. R. GOKHALE : Of course. Who has stopped the hon. Member from listening to me ?

SHRI SHYAMNANDAN MISHRA : Therefore, any remark could be made and it is valid.

SHRI H. R. GOKHALE : I do not understand what he is saying.

MR. SPEAKER : I also do not understand it.

18 Hrs.

SHRI H. R. GOKHALE : Anyway, the point which I am making is this that no new right is sought to be created. No right is sought to be abrogated, Whatever right is there under art. 30 (1) is by a further reassurance by means of a proviso, clearly protected. That is because there was an apprehension expressed here and outside the omnibus clause might affect the right of minority institutions referred to under art. 30 (1) to administer and establish their institutions. Now the apprehension perhaps which is right, as Shri Gupta said in his comments, is that in some cases this protection which is

[Shri H. R. Gokhale]

given to minorities is misused, I am not saying that in all cases it is used properly. That misuse may be there. Even if no amendment is moved to this, it is there because of art. 30 (1), therefore, this amendment does not carry the matter to a position where we can say that it is worse or better than what it was before. In any case, we are not amending art. 30. Unless we amend art. 30 and make it non-applicable to properties other than properties, to which Shri Gupta referred, namely those which are actually used for the purpose of educational institutions, we cannot by this amendment curtail the ambit and scope of 30, whatever it means. Therefore, the idea is that whatever 30 gives, it protects; it does not give anything more nor does it take away anything from art. 30. In any case, this does not seek to define what is a minority; it does not seek to define what is a religious minority or what is a linguistic minority. That definition is not found even in art. 30. It has always been a matter for interpretation by courts and it has on occasions been interpreted, whatever is the rightful interpretation of the expression 'minority', religious or linguistic as interpreted by the courts.

So far as art. 30 is concerned, I would again say that we are not amending it because by a surreptitious move of inserting an amendment we cannot have the effect of amending 30. Therefore, the only object of this amendment is to see that these rights which are already there in the Constitution are protected. They are neither enlarged nor curtailed.

The other point, made by Shri Anthony, was that originally the proposed amendment provided for payment of the full market value. That was, according to him, some satisfaction to him. I can understand that. The question is : is full market value obligatory to be paid (*Interruption*). This is not a matter for derisive laughter.

SHRI FRANK ANTHONY : Why did you put it in the first place ?

SHRI H. R. GOKHALE : It does not mean that we should not make the position clear. Therefore, the question is, if market value is payable if at all—I am not saying it is payable—under art. 30, then the right under 30 is being protected. If on the other hand the interpretation of art. 30 is that it is not obligatory that in order to assert the right of establishing and administering an institution, you must of necessity pay market value, we do not want to extend that right by providing for market value here, if it is not already included under 30.

Therefore, I would repeat that the idea underlying the amendment is neither does it expand nor does it curtail any of the rights which are created already under 30.

One hon. member also referred to discrimination between institutions belonging to minorities and other communities. This discrimination is not created for the first time. There is a clear understandable and rational classification which always avoids the charge of discrimination anywhere. That classification has already been made be the Constitution from the beginning inasmuch as that in respect of minority institutions such protection is given. When you say that the minorities have the right to administer and establish institutions, the reverse does not follow, that the majority does not have the right. What is said is that by the very fact that minorities need protection where they have to depend on the protection given by the majority community because the majority is in a position to enforce their will both in respect of themselves and the minorities; if they do it in respect of themselves, they cannot blame anybody because they have done it for themselves, but if they do it in respect of minorities, the minorities would

legitimately have a grievance that by taking advantage of the fact that they are minorities something which is against their interest is enforced on them. Therefore, even if you choose to call it discriminatory—I would not call it so, because it is based on a rational classification which is understandable—and even if it is discriminatory, it is not as if this amendment for the first time creates any discrimination between minorities and majorities.

Then, another amendment is with regard to another provision—I think my friend Shri Madhu Dandavate referred to his own amendment pertaining to the addition of words "amount for rehabilitation purposes". I do not think it is necessary to do so; first of all, there seems to be a general misunderstanding that when the words "amount" is mentioned, payment of full market value, compensation, is made impossible. As was clarified earlier, it depends on the nature of the property, and on various factors which are germane to the consideration as to what is the appropriate compensation for the particular property acquired; as was explained earlier, if the property had already yielded profits to the owner they would apply to the larger properties, particularly to the means of production which are in the hands of a very few people; they have recovered the value of the property and much more, so much so that several times the value of the property in the form of compensation has already been taken by them. It might be a fit case for the legislature to say that payment of much less than the market value for that amount is justified. On the other hand, in another case, in the case of small properties, it will never be applied to petty, small shopkeepers' property which is used or which consists in small godowns or habitations. It is not that even in these cases the market value will not be paid. The elasticity of this clause provides for appropriate decision in each case, and that is by Parliament. That is not by executive action. It is for Parliament to decide as to what is the appropriate market value payable in that particular case.

Then, a reference was made to the amendment; I think it is the amendment of Mr. Mishra; if I am mistaken, my hon. friend will correct me. That was to treat in a different way properties below a certain limit, but I think the reference there is to agrarian property in the first proviso.

SHRI SHYAM NANDAN MISHRA: No; any property for which there is a ceiling, *i.e.* within that ceiling.

SHRI H. R. GOKHALE: Amendment Nos. 25 and 26. Let us take No. 26 which says:

> "Provided that where any law makes any provision for the compulsory acquisition of any property within the ceiling fixed by the State or of an educational institution, such acquisition shall not be lawful unless the amount fixed by or determined under such law for the acquisition of such property is not less than the market value thereof, and is payable in cash within one year."

Now, it is not as if such provisions are not found in the Constitution. You know the second proviso to article 31A which does mention such a distinction.

As I said earlier, the concept of urban property is different, because the location of the property, the situation of that property, the income which it yields, how much value the property really fetches after depreciation and several other things all these considerations come in. It may

[Shri H. R. Gokhale]

be that even in the case of urban property, it may not be reasonable in a particular case to pay the full market value. Moreover, the law relating to ceiling, if and when imposed in respect of property which is non-agrarian, can always take care of the small property-holders as has been done in the case of agricultural property. I would again repeat, with your permission, that the idea underlying this amendment is certainly not to take over property which is in the possession of individuals which is for their individual use, petty shopkeepers and dealers or petty house owners, small people having their houses and farms, etc. The main purpose of the amendment has always been, under this provision, to go to that property, where there is concentration of wealth, where the idea is to remove or finish that concentration of wealth so that the productivity which is attached to that particular property is available for national use. Therefore, a distinction is reasonably capable of being made, and I am sure will always be made, whenever the question of small property-holders arises.

SHRI SHYAMNANDAN MISHRA: Sir, may I seek just an elucidation from him? What effect will Article 31 (2) have on Article 31 (A)? Would there be any relationship between the two?

SHRI H. R. GOKHALE : 31 (1) is, not to acquire property without the authority of the law. That has been retained.

SHRI SHYAMNANDAN MISHRA : What happens to 31 (1)?

SHRI H. R. GOKHALE : It will always be under the authority of the law. How can it be otherwise?

SHRI SHYAMNANDAN MISHRA : Not only the authority of the law. Please read it over again. It is not only with regard to acquisition by the authority of law.

SHRI H. R. GOKHALE : It is so. I shall satisfy you on that point. Under article 31 (1) originally no person shall be deprived of property save by the authority of law. That is retained. Therefore the overriding clause is that if any deprivation of property comes about it can only be by the authority of law. I shall read the original, before this amendment. Article 31 (2) reads : no property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law. So that is retained. All the subsequent clauses in Article 31 are subject to the overriding clause in Article 31. Therefore if for example you acquire some property for public purpose, but not with the authority of the law, that acquisition is bad. If on the other hand you acquire it for something which is not in accordance with the provisions of Article 31 (2), not by the authority of law, it will be bad acquisition. Even (2) says :". . . compulsorily acquired or requisitioned save for a public purpose and save by authority of law." If we look at the proposed amendment the same authority of law is there. No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of law. Therefore under Article 31 (2) it must always be by authority of law. The overriding law is (1), (2) provides for authority and it provides a further restriction that it cannot be for any purpose; it has to be for a public purpose. Public purpose is again justiciable as it has always been. Therefore my submission to the Members is that there should be no fear of any property being acquired without the authority of law.

Reference was made to amendment No. 14 of Mr. Kalyanasundaram. He has referred to 19 (1)g also in addition

to (f) I have already given the reasons and I do not want to be very elaborate on that, why for the purpose of this amendment only (f) is retained and not (g).

The hon. Members will remember that this was necessitated by the judgement of the Supreme Court in the Bank Nationalisation case. Till that judgement was delivered it had been the view of the Supreme Court itself, that Article 31 and 19 are mutually exclusive. It means that the property which is covered by Article 31 is acquired in conformity with Article 31. There is no question of examining whether Article 19 applies or not because 31 is an independent Article, exclusive of Article 19. For the first time in the Bank Nationalisation case that view was reversed. It was urged that even if the acquisition of property under Article 31 is valid, it does not end there. You have to test it on the anvil of Article 19. It means that there is double jeopardy created for acquisition for any public purpose. To get over the difficulty 19 (1)f has been added. You will remember that the whole clause is with regard to the right to acquire, hold and dispose of property. To the extent to which you are dealing with that topic you are not dealing with something else which deals with profession or business. I do not want to go into that. The properties of the business are covered. Therefore this clause applies to such property even if (g) is not mentioned. Unless it is suggested that it is intended to take over the right to carry on business also, I think it should not come in. For example if you say that nobody can carry on this business tomorrow, that is not intended by Article 31 and it is not germane to the original provision which is sought to be amended.

SHRI INDRAJIT GUPTA : There may be a case where the acquisition of property for a public purpose results in expunging my profession.

SHRI H. R. GOKHALE: It may be. But you can carry on that business elsewhere. The right to carry on business is to be distinguished from the right to hold property belonging to that particular business. For example you know that the banks were nationalised, but the banking companies exist. They were deprived of their property for which compensation has been paid. The undertakings have been acquired, but the banking companies have not been acquired. Therefore, they have still got the right to carry on business. They might set up business again. Therefor, the right to carry on business is distinct from the right to properity which a particular business at a particular point of time owns or possesses. Therefore, the fact that we do not refer to Article 19(1) (g) does not mean that property belonging to business or industry is not capable of being acquired. Acquisition does not mean that you are forbidden from carrying on that business at all. Therefore, I would respectfully submit that the amendment as proposed is sufficient to meet the needs for which it is proposed.

Shri Kachwai also referred to various other things like taking over the properties of other communities.

श्री बी० पी० मौर्य (हापुड़): शिड्यूल्ड कास्ट्स के लोगों के पास प्रापर्टी होती कहां है ?

SHRI H. R. GOKHALE: I think the hon. Member is very right. The people who are most agitated about property are those who own property, and they always make use of an argument on behalf of the depressed classes. It is the elephant which tramples upon the ants everyday that pleads on behalf of the ants when an attack comes. Where small properties are taken away and absorbed by big business and monopolists, the big man does not speak. As I have already explained, the

[Shri H.R. Gokhale]

idea is that it does not exclude the possibility of market value being paid in appropriate cases. I think that is enough explanation.

MR. SPEAKER: Amendment No. 1.

SHRI SHANKERRAO SAVANT: I withdraw it.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

HON. MEMBERS : Yes.

Amendment No. 1 was, by leave, withdrawn.

MR. SPEAKER: I put Amendment No. 14 to the House.

Amendment No. 14 was put and negatived.

MR. SPEAKER: I put Amendment No. 26 to the House.

Amendment No. 26 was put and negatived.

MR. SPEAKER: I put Amendment No. 33 to the House.

Amendment No. 33 was put and negatived.

MR. SPEAKER: I will now put amendment No. 35 by Shri Vajpayee.

Amendment No. 35 was put and negatived.

MR. SPEAKER: I will now put amendments Nos. 42 and 44 by Shri Ram Avtar Shastri.

Amendments Nos. 42 and 44 were put and negatived.

MR. SPEAKER: I will now put amendment No. 49 by Mr. Dandavate.

Amendment No. 49 was put and negatived.

MR. SPEAKER: I will now put amendment No. 51 by Mr. Samar Guha.

PROF. MADHU DANDAVATE: He has authorised me to withdraw it.

MR. SPEAKER: He cannot authorise anybody else to withdraw it. I will put it to vote.

Amendment No. 51 was put and negatived.

MR. SPEAKER: The question is:

"Page 1, line 16,—

for 'such amount is to be given otherwise than in cash'."

substitute —

'such amount is to be given otherwise than in cash:

Provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority referred to in clause (1) of article 30, the State shall ensure that the amount fixed by or determined under such law for the aquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.";' (57)

The Lok Sabha divided

AYES

Division No. 9] [18.29 hrs.

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Banamali Babu, Shri

Banerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S. C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyyia, Shri Chapalendu

Bheeshmadev, Shri M.

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chanda, Shrimati Jyotsna

Chandra Gowda, Shri D. B.

Chandrashekharappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D. R.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chhutten Lal, Shri

Choudhary, Shri B. E.

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbir Singh, Shri

Dalip Singh, Shri

Damani, Shri S. R.

Darbara Singh, Shri

Das, Shri Anadi Charan

Dasappa, Shri Tulsidas

Daschowdhury, Shri B. K.

Deo, Shri S. N. Singh

Deshmukh, Shri K. G.

Dhamankar, Shri

Dharamgaj Singh, Shri

Dharia, Shri Mohan

Dhusia, Shri Anant Prasad

Dinesh Singh, Shri

Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra

Doda, Shri Hiralal

Dube, Shri J. P.

Dumada, Shri L. K.

Gandhi, Shrimati Indira

Gangadeb, Shri P.

Garcha, Shri Devinder Singh

Gautam, Shri C. D.

Gavit, Shri T. H.

George, Shri A. C.

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Godara, Shri Mani Ram

Gogoi, Shri Tarun

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gopal, Shri K.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Govind Das, Dr.

Gowda, Shri Pampan

Hansda, Shri Subodh

Hanumanthaiya, Shri K.

Hari Kishore Singh, Shri

Hari Singh, Shri

Hashim, Shri M. M.

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.

Jagjivan Ram, Shri

Jamilurrahman, Shri Md.

Jeyalakshmi, Shrimati V.

Jha, Shri Chiranjib

Jitendra Prasad, Shri

Joshi, Shri Popatlal M.

Joshi, Shrimati Subhadra

Kadam, Shri J. G.

Kadannappalli, Shri Ramachandran

Kader, Shri S. A.

Kahandole, Shri Z. M.

Kailas, Dr.

Kakodkar, Shri, Purushottam

Kakoti, Shri Robin

Kale, Shri

Kamakshaiah, Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan Singh, Dr.

Kasture, Shri A. S.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrashetti, Shri A. K.

Krishnan, Shri G. Y.

Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan

Kureel, Shri B. N.

Lakkappa, Shri K.

Lakshmikanthamma, Shrimati T.

Lakshminarayanan, Shri M. R.

Laskar, Shri Nihar

Mahajan, Shri Vikram

Maharaj Singh, Shri

Mahata, Shri Debendra Nath

Mahishi, Dr. Sarojini

Majhi, Shri Gajadhar

Majhi, Shri Kumar

Malaviya, Shri K. D.

Mallanna, Shri K.

Mallikarjun, Shri

Mandal, Shri Jagdish Narain

Mandal, Shri Yamuna Prasad

Marandi, Shri Iswar

Maurya, Shri B. P.

Mehta, Dr. Jivraj

Melkote, Dr. G. S.

Menon, Shri V. K. Krishna

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Misra, Shri S. N.

Modi, Shri Shrikishan

Mohammad Tahir, Shri

Mohan Swarup, Shri

Mohapatra, Shri Shyam Sunder

Mohsin, Shri F. H.

Munsi, Shri Priya Ranjan Das

Murthy, Shri B. S.

Nahata, Shri Amrit

Naik, Shri B. V.

Nanda, Shri G. L.

Negi, Shri Pratap Singh

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ganshyam

Pahadia, Shri Jagannath

Palodkar, Shri Manikrao

Pandey, Shri Damodar

Pandey, Shri Krishna Chandra

Pandey, Shri Narsingh Narain

Pandey, Shri R. S.

Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar

Panigrahi, Shri Chintamani

Pant, Shri K. C.

Paokai Haokip, Shri

Parikh, Shri Rasiklal

Partap Singh, Shri

Parthasarathy, Shri P.

Paswan, Shri Ram Bhagat

Patel, Shri Prabhudas

Patil, Shri Anantrao

Patil, Shri E. V. Vikhe

Patil, Shri Krishnarao

Patil, Shri T. A.

Patnaik, Shri Banamali

Patnaik, Shri J. B.

Peje, Shri S. L.

Pillai, Shri R. Balakrishna

Prabodh Chandra, Shri

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Rai Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram, Shri Tulmohan

Ram Dhan, Shri

Ram Prakash, Shri

Ram Sewak, Ch.

Ram Swarup, Shri

Ramshekhar Prasad Singh, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Shri Jagannath

Rao, Shri K. Narayana

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri Nageswara

Rao, Shri P. Ankineedu Parasada

Rao, Shri Pattabhi Rama

Rao, Shri Rajagopala

Rathia, Shri Umed Singh

Raut, Shri Bhola

Ray, Shri Siddhartha Shankar

Reddi. Shri P. Antony

Reddy, Shri K. Kodanda Rami

Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Narasimha

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Rudra Pratap Singh, Shri

Sadhu Ram, Shri

Saini, Shri Mulki Ra

Salve, Shri N. K. P.

Samanta, Shri S. C.

Sanghi, Shri N. K.

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satish Chandra, Shri

Satpathy, Shri Devendra

Satyanarayana, Shri B.

Savant, Shri Shankerrao

Savitri Shyam, Shrimati

Sethi, Shri Arjun

Sethi, Shri P. C.

Shafee, Shri A.

Shafquat Jung, Shri

Shahnawaz Khan, Shri

Shailani, Shri Chandra

Shambhu Nath, Shri

Shankar Dayal Singh, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma, Shri R. N.

Sharma, Dr. Shankar Dayal

Shashi Bhushan, Shri

Shastri, Shri Biswanarayan

Shastri, Shri Sheopujan

Shenoy, Shri P. R.

Sher Singh, Prof.

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shivappa, Shri N.

Shivanath Singh, Shri

Shukla, Shri B. R.

Shukla, Shri Vidya Charan

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Sinha, Shri Dharam Bir

Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Sonar, Dr. A. G.
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayan, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swell, Shri G. G.
Tarodekar, Shri V. B.
Tayyab Hussain Khan, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Yadava, Prof. D. P.
Zulfiquar Ali Khan, Shri

NOES

Agarwal, Shri Virendra
Anthony, Shri Frank
Bade, Shri R. V.
Bajpai, Shri Hamendra Singh
Brij Raj Singh-Kotah, Shri
Chaudhary, Shri Ishwar
Chavda, Shri K. S.
Chowhan, Shri Bharat Singh
Deo, Shri P. K.
Deo, Shri R. R. Singh
Godfrey, Shrimati M.
Hoon, Shri N. B.

Joshi, Shri Jagannathrao

Kachwai, Shri Hukam Chand

Kamaraj, Shri K.

Karni Singh, Dr.

Lalji Bhai, Shri

Malik, Shri Mukhtiar Singh

Mishra, Shri Shyamnandan

Mody, Shri Piloo

Narendra Singh, Shri

Nayak, Shri Baksi

Pandeya, Dr. Laxminarain

Parmar, Shri Bhaljibhai

Patel, Shri H. M.

Patel, Shri Natwarlal

Pradhan, Shri Dhan Shah

Ramkanwar, Shri

Saksena, Prof. S. L.

Shakya, Shri Maha Deepak Singh

Sharma, Shri R. R.

Singh, Shri D. N.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

Yadav, Shri G. P.

MR. SPEAKER : The result* of the division is : Ayes 316; Noes 35.

The motion was adopted.

MR. SPEAKER : The lobbies are already cleared. The question is :

"That clause 2, as amended, stand part of the Bill."

The Lok Sabha Divided :

AYES

Division No. 10] [18.31 hrs.

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

*The following members also recorded their votes for AYES :

Sarvshri Dharnidhar Das, Panna Lal Barupal, P. Bayappa Reddy, Y. S. Mahajan, and Prof. Narain Chand Parashar.

Bajpai, Shri Vidya Dhar

Banamali Babu, Shri

Banerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S. C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhagirath Bhanwar, Shri

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyya, Shri Chapalendu

Bheeshmadev, Shri M.

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chanda, Shrimati Jyotsna

Chandra Gowda, Shri D. B.

Chandrakar, Shri Chandulal

Chandrashekharappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D.R.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chhutten Lal, Shri

Choudhary, Shri B. E.

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbir Singh, Shri

Dalip Singh, Shri

Damani, Shri S. R.

Dandavate, Prof. Madhu

Darbara Singh, Shri

Das, Shri Anadi Charan

Dasappa, Shri Tulsidas

Daschowdhury, Shri B. K.

Deo, Shri S. N. Singh

Deshmukh, Shri K. G.

Dhamankar, Shri

Dharamgaj Singh, Shri

Dharia, Shri Mohan

Dhusia, Shri Anant Prasad

Dinesh Singh, Shri

Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra

Doda, Shri Hiralal

Dube, Shri J. P.

Dumada, Shri L. K.

Dutta, Shri Biren

Gandhi, Shrimati Indira

Gangadeb, Shri P.

Garcha, Shri Devinder Singh

Gautam, Shri C. D.

Gavit, Shri T. H.

George, Shri A. C.

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Godara, Shri Mani Ram

Gogoi, Shri Tarun

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gopal, Shri K.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Govind Das, Dr.

Gowda, Shri Pampan

Guha, Shri Samar

Hansda, Shri Subodh

Hanumanthaiya, Shri K.

Hari Kishore Singh, Shri

Hashim, Shri M. M.

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.

Jagjivan Ram, Shri

Jamilurrahman, Shri Md.

Jeyalaksmi, Shrimati V.

Jha, Shri Chiranjib

Jitendra Prasad, Shri

Joshi, Shri Popatlal M.

Joshi, Shrimati Subhadra

Kadam, Shri J. G,

Kadannappalli, Shri Ramachandran

Kader, Shri S. A.

Kahandole, Shri Z. M.

Kailas, Dr.

Kakodkar, Shri Purushottam

Kakoti, Shri Robin

Kale, Shri

Kamakshaiah. Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamaraj, Shri K.

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan Singh, Dr.

Kasture, Shri A. S.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrashetti, A. K.
Krishnan, Shri G. Y.
Kulkarni, Shri Raja
Kumaramangalam, Shri S. Mohan
Kureel, Shri B. N.
Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Marandi, Shri Iswar
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Melkote, Dr. G. S.
Menon, Shri V.K. Krishna
Minimata Agamdas, Shrimati
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mishra, Shri Shyamnandan
Misra, Shri S. N.
Modi, Shri Shrikishan
Mohammad Tahir, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Munsi, Shri Priya Ranjan Das
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda. Shri G. L.
Negi, Shri Pratap Singh
Nimbaikar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Oza, Shri Ghanshyam
Pahadia, Shri Jagannath
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey. Shri Tarkeshwar
Panigrahi Shri Chintamani
Pant, Shri K. C.

Paokai Haokip, Shri

Parashar, Prof. Narain Chand

Parikh, Shri Rasiklal

Parmar, Shri Bhaljibhai

Partap Singh, Shri

Parthasarathy, Shri P.

Paswan, Shri Ram Bhagat

Patel, Shri Prabhudas

Patil, Shri Anantrao

Patil, Shri E. V. Vikhe

Patil, Shri Krishnarao

Patil, Shri T. A.

Patnaik, Shri Banamali

Patnaik, Shri J. B.

Peje, Shri S. L.

Pillai, Shri R. Balakrishna

Prabodh Chandra, Shri

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram, Shri Tulmohan

Ram Dhan, Shri

Ram Prakash, Shri

Ram Sewak, Ch.

Ram Swarup, Shri

Ramshekhar Prasad Singh, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Shri Jagannath

Rao, Dr. K. L.

Rao, Shri K. Narayana

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri Nageswara

Rao, Shri P. Ankineedu Prasada

Rao, Shri Pattabhi Rama

Rao, Shri Rajagopala

Rathia, Shri Umed Singh

Raut, Shri Bhola

Ravi, Shri Vayalar

Ray, Shri Siddhartha Shankar

Reddi, Shri P. Antony

Reddy, Shri K. Kodanda Rami

Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Bayappa

Reddy, Shri P. Narasimha

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Rudra Pratap Singh, Shri

Sadhu Ram, Shri

Saini, Shri Mulki Raj

Saksena, Prof. S. L.

Salve, Shri N. K. P.

Samanta, Shri S. C.

Sanghi, Shri N. K.

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satish Chandra, Shri

Satpathy, Shri Devendra

Satyanarayana, Shri B.

Savant, Shri Shankerrao

Sethi, Shri Arjun

Sethi, Shri P. C.

Shafee, Shri A.

Shafquat Jung, Shri

Shahnawaz Khan, Shri

Shailani, Shri Chandra

Shambhu Nath, Shri

Shankar Dayal Singh, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma, Shri R. N.

Sharma, Dr. Shankar Dayal

Shashi Bhushan, Shri

Shastri, Shri Biswanarayan

Shastri, Shri Sheopujan

Shenoy, Shri P. R.

Sher Singh, Prof.

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shivappa, Shri N.

Shivanath Singh, Shri

Shukla, Shri B. R.

Shukla, Shri Vidya Charan

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Singh, Shri D. N.

Sinha, Shri Dharam Bir

Sinha, Shri Nawal Kishore

Sinha, Shri R. K.

Sohan Lal, Shri T.

Sokhi, Shri Swaran Singh

Sonar, Dr. A. G.

Stephen, Shri C. M.

Subramaniam, Shri C.

Sudarsanam, Shri M.

Sunder Lal, Shri

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

Swaminathan, Shri R. V.

Swamy, Shri Sidrameshwar

Swaran Singh, Shri

Swell, Shri G. G.

Tarodekar, Shri V. B.

Tayyab Hussain Khan, Shri

Thakre, Shri S. B.

Thakur, Shri Krishnarao

Tiwari, Shri R. G.

Tiwary, Shri D.N.

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkatasubbaiah, Shri P.

Venkatswamy, Shri G.

Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad

Vidyalankar, Shri Amarnath

Virbhadra Singh, Shri

Yadav, Shri Chandrajit

Yadav, Shri Karan Singh

Yadav, Shri N.P.

Yadav, Shri R. P.

Yadava, Prof. D. P.

Zulfiquar Ali Khan, Shri

NOES

Agarwal, Shri Virendra

Anthony, Shri Frank

Bade, Shri R. V.

Benera, Shri Hamendra Singh

Brij Raj Singh Kotah, Shri

Chaudhary, Shri Ishwar

Chowhan, Shri Bharat Singh

Deo, Shri P. K.

Deo, Shri R.R. Singh

Godfrey, Shrimati M.

Horo, Shri N. E.

Joshi, Shri Jagannathrao

Kachwai, Shri Hukam Chand

Karni Singh, Dr.

Lalji Bhai, Shri

Malik, Shri Mukhtiar Singh

Mody, Shri Piloo

Narendra Singh, Shri

Pandeya, Dr. Laxminarain

Patel, Shri H. M.

Pradhan, Shri Dhan Shah

Ramkanwar, Shri

Shakya, Shri Maha Deepak Singh

Sharma, Shri R. R.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

Yadav, Shri G. P.

MR. SPEAKER : The result* of the division is : Ayes 326; Noes 27.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—(*Insertion of new Article 31C*)

MR. SPEAKER : Shri Narayana Rao is not moving his amendment No. 45. So, we take up clause 3.

SOME HON. MEMBERS : Tomorrow.

MR. SPEAKER : No. Those who want to move their amendments to clause 3 may either stand up and mention the number of the amendment or may send slips to the Table mentioning the number of the amendment that they wish to move.

SHRI FRANK ANTHONY : I beg to move :

Page 2, line 7,—

omit "article 14, article 19 or" (2).

Page 2,—

for lines 8 to 10, *substitute*—

"article 31 :" (3)

Page 2,—

omit lines 11 to 14. (4)

Page 2,—

after line 14, *insert*—

"Provided further that no such law shall derogate from the fundamental rights contained in articles 26, 29 and 30 of the Constitution." (5)

SHRI SHYAMNANDAN MISHRA : I beg to move :

Page 2, line 7,—

omit "article 14," (27)

Page 2, line 7,—

for "article 19" *substitute*—

"article 19(1)(f) and (g)", (28)

Page 2,—

after line 14, *insert*—

"Provided further that no such law shall over-ride the fundamental rights relating to minorities, whether based on religion or language, contained in article 26, article 29 and article 30 of the Constitution." (30)

SHRI ATAL BIHARI VAJPAYEE : I beg to move :

Page 2, line 9,—

after "court" *insert* "except" (34)

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 2, line 3,—

for "article 13" *substitute*—

"Part III of the Constitution" (46)

Page 2, line 5,—

omit "clause (b) or clause (c) of" (47)

Page 2, lines 7 and 8,—

for "article 14, article 19 or article 31"

substitute—

"Part III of the Constitution" (48)

*The following members also recorded their votes for AYES :

Sarvshri Dharnidhar Das, Hari Singh, Panna Lal Barupal, Nihar Laskar, B. S. Murthy, Ram Chandra Vikal and Shrimati Savitri Shyam.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, इस विधेयक का अनुच्छेद 3 इस आधार पर ग्रसित ठहराया जा रहा है कि उसके द्वारा राज्य के निदेशक तत्व कार्यान्वित किये जायेंगे। मुझे आश्चर्य है कि विधि मंत्री ने या विधेयक के समर्थन में बोलने वाले किसी भी अन्य मंत्री ने या सदस्य ने इस बात का उल्लेख नहीं किया कि जहां तक 31-सी का सवाल है, ला-कमीशन की राय को न मानने का कारण क्या है ?

ला-कमीशन ने कहा है—मैं उसे यहां उद्धृत करना चाहूंगा—

> "It is obvious that the whole object of Article 31C, as at present drafted, is to enable Parliament and State Legislatures to pass laws with the object of implementing the Directive Principles in question. If that is so, we see no justification for excluding judicial inquiry into the question about the existence of any rational nexus between the law and the object intended to be achieved by it."

अध्यक्ष महोदय, इस बात को स्वीकार करना होगा कि ऐसी स्थिति हो सकती है कि कानून बनाते समय केन्द्रीय संसद् या राज्य विधान मंडल यह एलान कर दे कि हम किसी डायरेक्टिव प्रिन्सिपल को अमल में लाने के लिये कानून बना रहे हैं, लेकिन सच्चाई में उनका उद्देश्य डायरेक्टिव प्रिन्सिपल को अमल में लाने का न हो। विधि मंत्री महोदय स्वीकार करेंगे कि कोई फ्रडुलेंट डिक्लेरेशन किया जा सकता है केवल घोषणा ही करना काफी है या अदालत को इस बात का अधिकार होना चाहिये कि वह देखे कि जो कानून बनाये वे सचमुच में राज्य के निदेशक तत्वों को अमल में लाने वाले हैं या नहीं।

ला-कमीशन ने भी इसका समर्थन किया है। अभी तक विधि मंत्री इसका कोई संतोषजनक उत्तर नहीं दे सके हैं।

ऐसी ही एक और चीज है—इसमें आर्टिकल 14 का भी समावेश किया गया है। आर्टिकल 14 के अन्तर्गत सभी नागरिक कानून के सामने बराबर हैं। क्या वह बराबरी भी अब खत्म होगी? ऐसी स्थिति आ सकती है कि एक उद्योग एक प्रदेश में सरकार द्वारा ले लिया जाय, उसमें जिन्होंने पूंजी लगाई है, उसका लाभ-प्रतिकर उन्हें बाजार भाव से न मिले और वही उद्योग किसी दूसरे राज्य में चलता रहे और उस का राष्ट्रीयकरण न किया जाय। उदाहरण के लिये उत्तर प्रदेश की चीनी मिलों का राष्ट्रीयकरण किया जा सकता है और महाराष्ट्र में राष्ट्रीयकरण से चीनी मिलों को छोड़ा जा सकता है···

एक माननीय सदस्य : वहां तो कोआपरेटिव मिलें हैं।

18.35 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

श्री अटल बिहारी वाजपेयी : मैं कोआपरेटिव मिलों की बात नहीं कर रहा हूं, व्यक्तिगत मिलों की बात कर रहा हूं। जो उत्तर प्रदेश में पूंजी लगायेगा वह गंवायेगा और जो महाराष्ट्र में लगायेगा, वह उसका मुनाफा कमायेगा। जो काश्तकारों की हैं, मैं उनकी चर्चा नहीं कर रहा हूं, जो व्यक्तिगत मालिकों की चीनी मिलें हैं, मैं उनकी चर्चा कर रहा हूं, वे अलग-अलग स्तर पर रखी जायेंगी। मैं एक दूसरा

[श्री अटल बिहारी वाजपेयी]

उदाहरण देना चाहता हूं—सरकार कोई उद्योग-धन्धा लगाती है, उसमें लगी हुई पूंजी व्यक्ति के कानून के अन्तर्गत आ जाती है, लेकिन वही नागरिक अपनी पूंजी किसी ऐसे उद्योग में लगाता है, जिसका राष्ट्रीयकरण नहीं होता है तो उसकी पूंजी के साथ भेदभाव होगा। क्या इन पेचीदगियों पर विचार किया गया है, क्या यह जरूरी है कि आर्टिकल 14 का इसमें समावेश किया जाये। क्या यह भी जरूरी है कि सभी मूलभूत अधिकार इसकी लपेट में ले लिये जांय? विधि मंत्री ने इसका कोई उत्तर नहीं दिया, कहते हैं कि हमारा इरादा नहीं है। अगर इरादा नहीं है तो साफ कर दीजिये, कह दीजिये कि आर्टिकल 19 एफ० और जी० तक इसमें समावेश होगी और ए० से लेकर ई० तक यानी 91 के जो मूलभूत अधिकार हैं, वे इसमें नहीं लिये जायेंगे। इससे गलतफहमी दूर होगी। आप कह रहे हैं कि आपके विरुद्ध प्रचार किया जा रहा है तो आप प्रचार करने का हमको मौका क्यों दे रहे हैं। हम तो आपको सुझाव दे रहे हैं कि हमको मौका मत दीजिये.....

एक माननीय सदस्य : आप गलत प्रचार क्यों करते हैं।

श्री अटल बिहारी वाजपेयी : वह प्रचार गलत नहीं है, इतना सही है कि आप सभी मूलभूत अधिकारों को समाप्त करने का अधिकार ला रहे हैं। यह कहना ठीक है कि "इनेबलिंग" है, इस संशोधन के पास हो जाने से अधिकार समाप्त नहीं होते हैं, लेकिन अधिकार समाप्त होने का दरवाजा खुल जाता है और हम वह दरवाजा बन्द रखना चाहते हैं। सम्पत्ति सम्बन्धी अधिकार सीमित करिये, लेकिन बाकी के अधिकारों पर किसी तरह का अंकुश लगाने की आवश्यकता नहीं है। क्या मैं आशा करूं कि विधि मंत्री जी ऐसा उत्तर देंगे जो संतोषजनक हो।

SHRI SAMAR MUKHERJEE: My amendment is regarding Article 19. Clause 3 has covered the entire Article 19. We are opposed to this because Article 19 contains some of the Fundamental Rights given to the common masses to express their opinions, to form their associations, etc. If this is taken away, then there is every danger that the country will more and more pass on towards fascism.

We have bitter experience in West Bengal. Day in and day out, various issues are being placed here and discussions are taking place there. Heat is also being generated. But it is a real fact that in West Bengal, the elementary democratic movement is under brutal suppression.

A semi-fascist terror regime is now raging throughout West Bengal. Thousands and thousands are now under warrants and a non-official estimate has put it that more than a lakh of warrants have been issued. You can imagine how the Fundamental Rights are being defended by this ruling class in West Bengal?

Trade Unions are being broken. Trade Unionists are being dismissed without giving any scope to them. This is the experience.

Then comes Art. 19...

MR. DEPUTY-SPEAKER: I think this is a limited one—whether this can be raised in a court of law in order to nullify the law.

SHRI SAMAR MUKHERJEE: It is being negated by this very clause. That is why we suggested that only sections (f)

and (g) should be covered which relate to property and not other Fundamental Rights. In our last 24th Amendment also we placed this amendment. This is a very basic fundamental question. We cannot part with this. That is why I oppose covering the entire Art. 19 in clause 3.

SHRI SHYAMNANDAN MISHRA: I have raised a very basic point. But it seems that the legal point just escapes the Law Minister.

I had submitted that in view of amendment to 31(2) will he not take the trouble of establishing how 31C is necessary? Whether amended Art. 31(2) would not control also the operation of 39 (b) and (c)? Whether de-concentration of economic power and distribution of the material resources of the community so as to subserve the common good could not be construed as public purpose? If they are going to be construed as public purpose, my respectful submission is that 31(2) should have been sufficient for this purpose. Now, if by way of abundant caution, 31(C) is considered necessary, then a further question that arises is whether the entire gamut of Art. 19 which includes the whole series of Fundamental and basic Rights must be involved in it. It was pointed out yesterday by the hon. Minister of Steel that such a provision exists in 31(A). A similar provision does exist in Article 31(A). I quite see that. In a far-fetched way that can be brought. How does it, however, escape such an intelligent mind that Article 31(A) relates to certain specific and concrete things and Article 39 (b) and (c) relate to something very vague and comprehensive, which you cannot easily define? So, the similarity between Article 31(A) and 31(C) here should not hold good. That does not seem to be apposite. My submission, therefore, is that in this clause the whole range of 19 should not be involved. It should be confined only to Article 19 (1) (f) and (g). That has also been the recommendation of the Law Commission. I think that is a very proper recommendation made by the Law Commission. It is extremely appalling that Art. 14 should also be made inoperative so far as the operation of 39 (b) and (c) is concerned. If it is not being allowed to come in the way, it means that the right of constitutional protest is denied to a citizen. Therefore, I would say this 14 also must be omitted from this and the present clause should confine itself only to the two that I have mentioned. Then, my further submission is that this should not be in the clause where it is mentioned that if there is a declaration that it is for giving effect to...

SHRI P. K. DEO: On a point of order. The automatic voting lights are flicking off and on. So, there is something wrong with the mechanical system. So, next time there should be physical division by clearing the lobbies.

MR. DEPUTY-SPEAKER: I shall verify whether it is all right.

SHRI SHYAMNANDAN MISHRA: My further submission is that this declaration:

> "No law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy."

should be taken out. After this portion is taken out, the paragraph would stand only upto the words 'article 31'.

As it is, it is extremely irritating in the sense that it is the certificate of the ruling executive which has to be accepted by everybody—that it is meant for giving effect to that kind of policy. That declaration must be challengeable in a court of law. This is the submission that I have made.

[Shri Shyam Nandan Mishra]

Lastly, my submission is that no such law shall override the fundamental right relating to minorities, whether based on religion or on language, contained in Article 26, Article 29 and Article 30 of the Constitution. That should form part of Article 31C as the last paragraph. The question has been asked umpteen times whether article 31C would adversely affect the rights and interests of the minorities...

SHRI FRANK ANTHONY : I have asked the question ten times.

SHRI SHYAMNANDAN MISHRA : He says that he has asked the question ten times. But there has been no reassuring reply from the Government. In fact, power is being taken which might be used for adversely affecting the interests of the minorities. Therefore, I have thought it fit to move this amendment which should prevent the mischief.

SHRI FRANK ANTHONY : I have four amendments. I would only speak on three of them.

Amendment No. 2 asks for the omission of articles 14 and 19 from article 31C. Here, I want to nail to the counter a deliberate distortion by the Law Minister. He was trying to answer me by first quoting me correctly, and he tried to make heavy weather of the fact that at some time—I do not know where I had said so—I said that property rights should be qualified. I have gone much further than that. I am reading from page 7315 of the record of my speech yesterday. This was what I had said :

> "I would have said: 'All right, if you are really concerned',—one judge, I think it was justice Hidayatullah who said—'take the property out of the fundamental rights chapter; take article 31 out, and take 19 (1) (g).'.....That would have been the most honest thing, but on the pretext of qualifying property, you are wiping out the whole gamut of fundamental rights.".

So, all that I had said was this, you take out property, that would have been the more honest thing to do. But what are you doing? You are wiping out the whole gamut of fundamental rights, you are wiping out all the freedoms, you are sanctifying discrimination, and as my hon. friend had said, you are destroying the freedom to speak enshrined in article 19 (1) (a), the freedom to assemble peaceably mentioned in article 19 (a) (b), and you are destroying the right to form associations and, of course, you are destroying the right to practise any profession.

Then my next amendment was No. 3 and that was to delete this :

> "...no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy".

The Law Commission had pleaded that this should be made justiciable. In this arrogance, Shri Gokhale, with his superior knowledge, since he has become a politician, has cynically rejected this. So I have sought to delete this ouster of the jurisdiction of the courts.

The most important of my amendments is No. 5 which reads :

> "Provided further that no such law shall derogate from the fundamental rights contained in articles 26, 29 and 30 of the Constitution".

I am asking Shri Gokhale for the 11th or 12th time. I did not expect this unworthy reply of him. With the Law Ministry full of giants, I did not expect he would fall for cheap jibes or disingenuous hair-splitting, trying to be clever, as if Mr. Anthony

does not know the distinction between an enabling provision and an actual provision. Mr. Anthony is not such a damn fool. What I asked over and over again is : does 31C give any legislature the power to take away minority educational institutions, charitable and religious trusts? Even now he won't give me an answer. He fobs it off to the poor lady Prime Minister who does not know the alpha and omega of law but merely repeats.....

SHRI B. P. MAURYA : That was why she nominated him.

SHRI FRANK ANTHONY : He will have many more incarnations and still he will be a trumpery lamp post compared to me.

SHRI B. P. MAURYA : Whether he is a lamp post or I am, he will come to know in this Parliament.

SHRI FRANK ANTHONY : Here the deliberate silence of the Law Minister has confirmed this position. It was the fear with me that under 31C any legislature, any ramshackle coalition by one vote could expropriate the Christian colleges and schools, the Sikh colleges and schools, the Muslim colleges and schools and the Anglo Indian colleges and schools.

SHRI S. MOHAN KUMARAMANGALAM : Nonsense.

SHRI FRANK ANTHONY : Why does he not honestly say that it is nonsense. I am asking for a reply under 31C whether it does not give the power to take away the minority institutions, educational, religious or charitable.

AN HON. MEMBER : Power to whom?

SHRI FRANK ANTHONY : To any State Legislature you have given power under 31C to take away by one vote.

AN HON. MEMBER : No, it cannot be done.

SHRI FRANK ANTHONY : Let him say so.

MR. DEPUTY-SPEAKER : He will reply.

SHRI FRANK ANTHONY : They say it cannot be done. Why cannot he say that no legislation can be passed? Give me a simple honest answer. It will have no legal validity because I know what the communists are going to do, those friends with whom you have joined hands. Since 1958 they have tried to expropriate the Christian colleges, Christian schools and Anglo-Indian schools. Every time—thank God—I have been trying to argue these cases and I have had them struck down. What the communists are going to do is that immediately they will use 31C they will try to use it by getting Shri Mohan Kumaramangalam to argue the case, as he tried in the Kerala University case.

I do not know whether he will resign to argue the case. (*Interruption*)

SHRI S. MOHAN KUMARAMANGALAM : I had nothing to do with that case at all. (*Interruption*).

SHRI FRANK ANTHONY : What the Supreme Court had said in the Kerala Education Bill case, 1954, and again recently was that if you take over the management of a minority institution, it is expropriation. You cannot even take over the management. You can derecognise us if we are bad; you cannot exercise all the catena of authority; you cannot take over the management, because that is expropriation. You are sanctifying the worst form of expropriation.

All that I am asking my friend is to say that under Article 31C no ramshackle

[Shri Frank Anthony]

coalition, no communist government in Kerala, will be able to take over the management. (*Interruption*). Let him say. It does not enable you to pass a legislation to take over education. That is all I want. Let him say; he would not say.

SHRI M. KALYANASUNDARAM : Sir, my amendment is No. 18, that is, to delete the proviso that is sought to be added to Article 31C. The proviso says :

> "Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.".

This in effect restricts the powers of the legislature; they cannot pass the law and the law cannot be implemented unless the President gives his assent. The President giving assent means the Government giving assent.

It is not as though the radical economic reforms are introduced in this country only if directed by the Central Government. In certain States, democratic movements are strong enough to result in radical reforms. This will restrict their powers. Even recently, the Chief Minister of Kerala had complained bitterly that his proposal for an ordinance for the taking over of the foreign plantations has not been consented to yet by the Union Government. The Union Government themselves have several times complained that many of the State Governments do not implement the directives regarding the introduction of radical land reforms. That being the case, why should they take these powers to direct even the State Governments as to what they should do in this matter ?

The powers are there in the Constitution. Let the State Legislatures be free to work out their own programme. If they violate the Constitution, then appropriate remedy can be thought of by the people. So this proviso restricts the State legislatures. I want to know, when such a restriction is placed in the Constitution, whether the consent of the Chief Ministers was sought; whether the State Governments were consulted. When such a consultation was not made, it would be an encroachment on the powers of the State Governments. So, I am strongly opposed to this provision.

SHRI SEZHIYAN : Sir, the same amendment has been given by me through my amendment No. 32, that is, to omit lines 11 to 14. I want to raise the same basic points, because, as you know, the legislative business has been divided into three: the Union list, the State list and the concurrent list. The State list cannot deal with any of the subjects under the Union list. Only those coming under the State list and the concurrent lists can be dealt with by the States. If the legislature passes a Bill under the concurrent list, it has to come here and get the consent of the Central Government. But, here, we are making an inroad into the State list. If a Bill is passed on a purely State subject, and if it comes under the proviso, it has to go to the Centre. This is a new thing that has been introduced, though the founding fathers of the Constitution gave a separate list, an exclusive list, for the States.

19 hrs.

Now, two reasons may be given. One is the apprehension that the States will misuse the powers. That means they distrust the States. In the States also they are elected representatives of the people. Why should there be this distrust of the States ? The States can also say in turn that the Central Government can misuse the powers. This mistrust and distrust is not good for the working of the federal

structure. The second may be: this is not a new thing, newly introduced. It is already there in the Fourth amendment. If so, if a wrong thing is there, let us do away with the wrong that has already been done.

SHRI H. R. GOKHALE: I shall deal with the points together because some of the points were common. The first point was that we should have confined it only to article 19 (f) and (g) as the Law Commission recommended and not included the whole of 19 for the purpose of non-applicability. In my introductory remarks I had myself referred to the recommendations of the Law Commission. The Law Commission had taken note of the basis on which the Government had the apprehension if it was confined only to article 19 (f) and (g). They expressly dealt with the decided cases such as the price-page schedule case or the Sakal newspaper case. They have said in terms that they do understand this apprehension and that looking at that decision they say that 19(a) was unduly and unjustifiably used by the court to strike down a legislation which Parliament had passed within its competence. What they say is: maybe, if the Supreme Court does it again, you can amend it afterwards. It is not that the Law Commission's view-point is not understood. They have also understood our viewpoint. But should we wait as the Law Commission says? In fact the Law Commission approves that if such a situation arises we should amend it afterwards. Therefore, in principle if that apprehension is justified, there is no objection by the Law Commission to this amendment. The only difference is whether we should do it now or afterwards. Then it is not a matter of decision for the Law Commission as to the point of time at which we should do it. Basically it has accepted that this is necessary according to the existing decision of the courts. On an overall consideration of the purpose and the objects for which this clause is being inserted, how can anyone say that the Government is not entitled to take the view it has taken, and is bound to accept the Law Commission's recommendations and that Government should also share the hope which the Law Commission has and should wait with regard to the timing of the amendment.

It is not a case where the Law Commission has disagreed with us. In fact they appreciate our point of view. I had made it clear earlier.

The other objection is with regard to the inclusion of 14. Will the hon. Member remember that after careful consideration of all the provisions of the Bill even the Law Commission does not recommend that 14 ought to be excluded. Were they not aware of implications of article 14?..... *(Interruptions)*

19·04 hrs.

[MR. SPEAKER *in the Chair*].

SHRI SHYAMNANDAN MISHRA: They have taken a wrong view....

SHRI H. R. GOKHALE: You are entitled not to agree with them just as you are entitled not to agree with me also. Therefore, in one case you make an argument that the Law Commission has said this and therefore you should do this. Just as you are entitled to disagree, we are also entitled to disagree. On this point you may not agree with them; I entirely agree that you must not agree with every recommendation of the Law Commission; nor are we bound to do so. The main point is that they do not even discuss it because they know that it is absolutely necessary. In fact, we have consulted legal opinion. I do not want to mention names here, but very great legal

[Shri H. R. Gokhale]

experts have upheld the inclusion of article 14. If the Law Commission had felt as they did in the case of article 19 that it should be confined to (f) and (g), they would have discussed it; but they did not feel so in the case of article 14. Therefore, they did not recommend that article 14 should be excluded. All lawyers who have been dealing with constitutional cases are aware that whenever the Supreme Court found that a legislation could not be struck down under articles 19 or 31, it is struck down under article 14 as it is so broad, covering discrimination, arbitrary exercise of power, vagueness, reasonableness etc. It is so wide that anything can be struck down if the political philosophy underlying the legislation is not acceptable to the Court. Therefore, we thought if the object of the particular legislation is to be achieved, the power of Parliament should be supreme, and that is the whole intention underlying the inclusion of article 14.

Another point referred to is the declaration. There again I am aware as hon. Members are aware, that the Law Commission has recommended that the whole clause relating to the declaration should be deleted. I understand the point of view which you may have or the Law Commission may have, but as I said earlier, with all respect to the members of the Law Commission who are, I admit, experienced people in the judicial profession. I do not agree with the reason given by them that the courts will be helpless, in the sense that even if fraudulent or colourable legislation is passed in which you can reasonably point out and establish that it has no nexus whatsoever with the purposes or the objectives of articles 39 (b) and (c), the courts will be helpless, will be tied down and will not be able to examine the legislation. With all respect, I refute this argument, I would not agree with it, because again all lawyers know that howsoever wide a clause, the first principle is that clauses excluding jurisdiction have got to be very strictly construed.

SHRI SHYAMNANDAN MISHRA: Then why do you make this futile exercise?

SHRI H. R. GOKHALE: Therefore the argument that the courts will be helpless is not justified at all. Then the question is why we want it. The reason is simple and obvious that, whatever the power to set aside legislation on the ground of colourable exercise or absence of nexus, the Court will not have any jurisdiction to interfere on the question whether or not a particular legislation is sufficient or adequate to implement the Directive Principles contained in articles 39(b) and (c). For example, the court, while agreeing that there is nexus to a certain extent, that even remotely you can say that the legislation has something to do with the objective of reducing concentration of wealth, cannot question the meaning of taking away the privy purses on the ground that it is not going to reduce concentration of wealth as it involves only a few crores compared to the large problems of the economy involving hundreds of crores. The Court will not be entitled to say that. The extent of implementation is a matter entirely for the powers of Parliament as the supreme legislature. How far it should go is not to be decided by the Court, that is the function of the legislature. That is precisely why I was going to point out earlier, but you instructed me to deal with it when dealing with the Clauses, that the addition of the word "adequately" was intended specifically to make explicit what is already implicit in the Clause as it is. It is implicit in the Clause that the Court can strike down fraudulent legislation, but when we have the word "adequately", it makes it clear that the Court can strike down a legislation which is fraudulent but it cannot go into the adequacy and find out the extent to which the object is fulfilled by the legislation. But members

on both sides of the House felt that it may raise difficulties, even if otherwise the clause enables the court to go ahead with striking down fraudulent legislation and there is no reason to give a ground for a legal argument or legal battle, where you can argue that 'adequately' means you can do this or you cannot do this. Therefore, in deference to the general feeling of members on both sides of the House, it was decided ultimately to drop the amendment. It did not alter the position at all. The position remains the same that courts are not powerless. The courts can strike down that legislation. If tomorrow the party of my friend, Mr. Piloo Mody, comes to power somewhere and says, "We will increase the privy purses of princes" and makes a declaration that it is for the purpose of articles 39 (b) and (c), the court will strike it down. So, there is a plausible reason for not accepting the recommendation of the Law Commission.

With regard to the query raised by Mr. Anthony, I have dealt with it earlier, but if he is not satisfied, I am willing to deal with it again. You look at article 31C. I am sure Mr. Anthony has noticed that in the exclusions which are provided for in that clause, only three articles are mentioned—14, 19 and 31. Obviously articles 25, 26, 29 or 30 are not in any case expressly excluded from article 31C. Therefore, it is clear enough that the rights contained in articles 25, 26, 29 or 30 are not affected. But let us imagine a little further. I can see the argument: After all, 19 is excluded and the right to take property is there. Therefore, the right to take the property of educational institutions of minorities is also there. But as far as I have been able to understand, the position in law with regard to interpretation of statutes, much more with regard to interpretation of constitutional provisions, is that no one fundamental right can act in derogation of another existing fundamental right. It has been so held. Therefore, as long as articles 25, 26, 29 and 30 remain on the statute-book, which give express guarantees to the minorities, which this House has again reiterated today by adding a proviso to the second clause of article 31, I wonder how it can be argued that merely because article 19 is excluded, the fundamental right expressly conferred by some other article is taken away.

SHRI FRANK ANTHONY: I only wanted this assurance from you.

SHRI H. R. GOKHALE: I thought such an elaboration would not be necessary, particularly because he is a reputed lawyer. I could have understood it coming from somebody else. Therefore, the apprehensions raised by Mr. Anthony are at best imaginary, because the legal position is clear. There is not even an implied exclusion. Therefore how can anybody take away the fundamental rights expressly conferred by articles such as articles 25, 26, 29 and 30 ?

He also said, abolish fundamental rights altogether, rather than doing this.

SHRI FRANK ANTHONY: I said take away property from fundamental rights.

SHRI H. R. GOKHALE: That improves the position. We were at cross purpose; maybe it was my fault. I thought he said, "Instead of doing this surreptitiously, why not take away the fundamental rights altogether?" I accept his explanation and I confine to only to property.

SHRI FRANK ANTHONY: Take property out of the chapter on Fundamental Rights.

SHRI H. R. GOKHALE: The argument is so fallacious for the simple reason that excepting for its applicability to the clause to regulate 39(c), is it Shri

Shri H. R. Gokhale]

Frank Anthony's suggestion that in all circumstances the property rights should be abrogated? Will other people support this? For example, suppose we say that it is a legislation relating to property which has nothing to do with the reduction of the concentration of wealth? The case of small property-holders, for example, was legitimately referred to by some members on that side. Case of acquisition for a purpose which is not a public purpose was legitimately referred to. Is it suggested that we should abolish this right to property?

We only want to regulate the right to property in specific cases, where a public purpose is established, where a nexus with the objectives of article 39(b) and (c) is established. Therefore, instead of welcoming such a suggestion where the regulation is limited to a defined number of cases rather than making it applicable in a blanket manner for all cases of property, it is being opposed. Should we take away the field of the ordinary farmers who are cultivating it personally by abolishing their right to property? Is it anybody's intention to do that? The intention clearly is not to touch any property which has nothing to do with anything like concentration of wealth, property which has nothing to do with common detriment to the society.

In fact, 39 (c) and (b) are to enable small people to have property. For that concentration of property has to be avoided. It is precisely to bring him to a standard of living where he will have property of his own, rather than concentration of property in a few hands.

Therefore, I am not able to understand the argument; if you want to do this, then abolish the fundamental right to property. That will not take my hon. friend, Shri Anthony, anywhere. The intention is not to abolish the right to property but to regulate it. That is why there is a provision in the second clause of article 31 to pay an amount. The idea is not expropriation; the idea is acquisition. As everyone has agreed, the amount can mean either the whole market value or an amount which is smaller than the market value. It will depend upon the circumstances. I think I have dealt with most of the points.

MR. SPEAKER : Shall I put all the amendments to the vote together?

SHRI FRANK ANTHONY : I want to press amendment No. 5.

MR. SPEAKER : All right. I will put amendment 2, 3 and 4 to the vote of the House.

Amendments Nos. 2, 3 and 4 were put and negatived.

MR. SPEAKER : The question is :

Page 2,

after line 14, *insert*

"Provided further that no such law shall derogate from the fundamental rights contained in articles 26, 29 and 30 of the Constitution." (5)

The Lok Sabha divided:

Division No. 11] [19.25 hrs.

AYES

Anthony, Shri Frank

Bade, Shri R. V.

Banera, Shri Hamendra Singh

Chandra, Shrimati Jyotsna

Chaudhary, Shri Ishwar

Chavda, Shri K. S.

Chowhan, Shri Bharat Singh

Deo, Shri P. K.

Deo, Shri R. R. Singh

Godfrey, Shrimati, M.

Horo, Shri N. E.

Joshi, Shri Jagannathrao

Kachwai, Shri Hukam Chand

Kamaraj, Shri K.

Kiruttinan, Shri Tha

Lalji Bhai, Shri

Malik, Shri Mukhtiar Singh

Mishra, Shri Shyamnandan

Mody, Shri Piloo

Narendra Singh, Shri

Nayak, Shri Baksi

Parmar, Shri Bhaljibhai

Patel, Shri Natwarlal

Ramkanwar, Shri

Shakya, Shri Maha Deepak Singh

Sharma, Shri R. R.

Singh, Shri D. N.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

NOES

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Balathandayutham, Shri K.

Banamali Babu, Shri

Banerjee, Shri S. M.

Banerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Barupal, Shri Panna Lal

Basappa, Shri K.

Basumatari, Shri D.

Bersa, Shri S. C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyya, Shri Dinen

Bhattacharya, Shri S. P.

Bhattacharyya, Shri Chapalendu

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Barhmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chandra Gowda, Shri D. B.

Chandra Shekhar Singh, Shri

Chandrakar, Shri Chandulal

Chandrappan, Shri C. K.

Chandrashekharappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D. R.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chhutten Lal, Shri

Choudhary, Shri B. E.

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbair, Singh, Shri

Dalip Singh, Shri

Damani, Shri S. R.

Dandavate, Prof. Madhu

Das, Shri Anadi Charan

Das, Shri Dharnidhar

Dasappa, Shri Tulsidas

Daschowdhury, Shri B. K.

Deb, Shri Dasaratha

Deo. Shri S. N. Singh

Deshmukh, Shri K. G.

Dhamankar, Shri

Dharamgaj Singh, Shri

Dharia, Shri Mohan

Dhusia, Shri Anant Prasad

Dinesh Singh, Shri

Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra

Doda, Shri Hiralal

Dube, Shri J. P.

Dumda, Shri L. K.

Dutta, Shri Biren

Dwivedi, Shri Nageshwar

Gandhi, Shrimati Indira

Gangadeb, Shri P.

Gautam, Shri C. D.

Gavit, Shri T. H.

George, Shri. A. C.

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Godara, Shri Mani Ram

Gogoi, Shri Tarun

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gopal, Shri K.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Govind Das, Dr.

Gowda, Shri Pampan

Guha, Shri Samar

Gupta, Shri Indrajit

Haidar, Shri Madhuryya

Hansda, Shri Subodh

Hanumanthaiya, Shri K.

Hari Kishore Singh Shri

Hari Singh, Shri.

Hashim, Shri M. M.

Hazra, Shri Manoranjan

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.

Jagjivan Ram, Shri

Jamilurrahman, Shri Md.

Janardhanan, Shri C.

Jeylaakshmi, Shrimati V.

Jha, Shri Bhogendra

Jha, Shri Chiranjib

Jharkhande Rai, Shri

Joshi, Shri Popatlal M.

Joshi, Shrimati Subhadra

Kadam, Shri Dattajirao

Kadam, Shri J. C.

Kadannappalli, Shri Ramachandran

Kader, Shri S. A.

Kahandole, Shri Z. M.

Kailas, Dr.

Kakodkar, Shri Purushottam

Kakoti, Shri Robin

Kale, Shri

Kalyanasundaram, Shri M.

Kamakshaiah, Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan, Singh, Dr.

Kasture, Shri A, S.

Kathamuthu, Shri M.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrashetti, Shsi A. K.

Krishnan, Shri G. Y.

Krishnappa, Shri M. V.

Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan

Kureel, Shri B. N.

Lakkappa, Shri K.

Lakshmikanthamma, Shrimati T.

Lakshminarayanan, Shri M. R.

Laskar, Shri Nihar

Mahajan, Shri Vikram

Maharaj Singh, Shri

Mahata, Shri Debendra Nath

Majhi. Shri Gajadhar

Majahi, Shri Kumar

Malaviya, Shri K. D.

Mallanna, Shri K.

Mallikarjun, Shri

Mandal, Shri Yamuna Prasad

Marandi, Shri, Iswar

Maurya, Shri B. P.

Melkote. Dr. G. S.

Menon, Shri V. K. Krishna

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Misra, Shri S. N.

Modi, Shri, Shrikishan

Mohammad Ismail, Shri

Mohammad Tahir, Shri

Mohan Swarup, Shri

Mohsin, Shri F. H.

Mukherjee, Shri Samar

Munsi, Shri Priya Ranjan Das

Murthy, Shri B. S.

Muruganantham, Shri S. A.

Nahata, Shri Amrit

Naik, Shri, B. V.

Nanda, Shri G. L.

Negi, Shri Pratap Singh

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shai Ghanshyam

Pahadia, Shri Jagannath

Palodkar, Shri Manikrao

Pandey, Shri Damodar

Pandey, Shri Krishna Chandra

Pandey, Shri Narsingh Narain

Pandey, Shri R. S.

Pandey, Shri Sarjoo

Pandey, Shri Tarkeshwar

Panigrahi, Shri Chintamani

Pant, Shri K. C.

Paokai Haokip, Shri

Parikh, Shri Rasiklal

Partap Singh, Shri

Parthasarathy, Shri P.

Paswan, Shri Ram Bhagat
Patel, Shri Prabhudas
Patil, Shri Anantrao
Patil, Shri E. V. Vikh
Patil, Shri Krishnarao
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pillai, Shri R. Balakrishna
Pradhani, Shri K.
Qureshi, Shri Mohd. Shafi
Radhakrishnan, Shri S.
Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram, Shri Tulmohan
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Swarup, Shri
Ramshekhar Prasad Singh, Shri
Rana, Shri M. B.
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shri Siddhartha Shankar
Reddi, Shri P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Narasimha
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Roy, Dr. Saradish
Rudra Pratap Singh, Shri
Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Saini, Shri Mulki Raj
Saksena, Prof. S. L.
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaq

Sanghi, Shri N. K.

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satish Chandra, Shri

Satpathy, Shri Devendra

Satyanarayana, Shri B.

Savant, Shri Shankerrao

Savitri Shyam, Shrimati

Sen, Dr. Ranen

Sethi, Shri Arjun

Sethi, Shri P. C.

Shafee, Shri A.

Shafquat Jung, Shri

Shahnawaz Khan, Shri

Shailani, Shri Chandra

Shambhu Nath, Shri

Shankar Dayal Singh, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma, Shri R. N.

Sharma, Dr. Shankar Dayal

Shastri, Shri Biswanarayan

Shastri, Shri Ramavatar

Shastri, Shri Sheopujan

Shenoy, Shri P. R.

Sher Singh, Prof.

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shivappa, Shri N.

Shivanath Singh, Shri

Shukla, Shri B. R.

Shukla, Shri Vidya Charan

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Sinha, Shri, Dharam Bir

Sinha, Shri Nawal Kishore

Sinha, Shri R. K.

Sohan Lal, Shri T.

Sokhi, Shri Swaran Singh

Sonar, Dr. A. G.

Stephen, Shri C. M.

Subramaniam, Shri C.

Sudarsanam, Shri M.

Sunder Lal, Shri

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

Swaminathan, Shri R. V.

Swamy, Shri Sidrameshwar

Swaran Singh, Shri

Tarodekar, Shri V. B.

Tayyab Hussain Khan, Shri

Thakre, Shri S. B.

Thakur, Shri Krishnarao

Tiwari, Shri R. G.

Tiwary, Shri D. N.

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkatasubbaiah, Shri P.

Venkatswamy, Shri G.

Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad

Vidyalankar, Shri Amarnath

Vijay Pal Singh, Shri

Vikal, Shri Ram Chandra

Virbhadra Singh, Shri

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

Yadava, Prof. D. P.

Zulfiquar Ali Khan, Shri

MR. SPEAKER : The result* of the division is : Ayes 29; Noes 342.

The motion was negatived.

MR. SPEAKER : Then, there are three amendments, Nos. 27, 28 and 30, by Shri Shyamnandan Mishra.

SHRI SHYAMNANDAN MISHRA : I wish to press my amendment No. 28. Others may be put to a voice vote.

MR. SPEAKER : I put amendment No. 27 moved by Shri Shyamnandan Mishra to the vote of the House.

Amendment No. 27 was put and negatived.

MR. SPEAKER : Now, I put amendment No. 28 moved by Shri Shyamnandan Mishra to vote.

The question is :

"Page 2, line 7, —

for "article 19" *substitute*—

"article 19 (1) (f) and (g)" (28)

The Lok Sabha divided :

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*The following Members also recorded their votes :

AYES : Shri G. P. Yadav;

NOES : Sarvshri Jagdish Narain Mandal, Jitendra Prasad, Darbara Singh, Chandrajit Yadav, Y. S. Mahajan, Sudhakar Pandey, P. V. G. Raju, A. K. Gopalan, Teja Singh Swatantra, and Dr. Jivraj Mehra.

AYES

Division No. 12] [19.34 hrs.

Anthony, Shri Frank

Bade, Shri R. V.

Banera, Shri Hamendra Singh

Bhattacharyya, Shri Dinen

Chaudhary, Shri Ishwar

Chavda, Shri K. S.

Chowhan, Shri Bharat Singh

Deb, Shri Darsaratha

Deo, Shri P. K.

Deo, Shri R. R. Singh

Godfrey, Shrimati M.

Gopalan, Shri A. K.

Hazra, Shri Manoranjan

Horo, Shri N. E.

Joshi, Shri Jagannathrao

Kachwai, Shri Hukam Chand

Kamaraj, Shri K.

Lalji Bhai, Shri

Malik, Shri Mukhtiar Singh

Mishra, Shri Shyamnandan

Mody, Shri Piloo

Mohammad Ismail, Shri

Mukherjee, Shri Samar

Narendra Singh, Shri

Nayak, Shri Baksi

Pandeya, Dr. Laxminarain

Parmar, Shri Bhaljibhai

Patel, Shri Natwarlal

Ramkanwar, Shri

Roy, Dr. Saradish

Saksena, Prof. S. L.

Sharma, Shri R. R.

Singh, Shri D. N.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

Yadav, Shri G. P.

NOES

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambeah, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Singh H. N.

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Banamaii Babu, Shri

Benerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Barupal, Shri Panna Lal

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S. C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhagirath Bhanwar, Shri

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyya, Shri S. P.

Bhattacharyyia, Shri Chapalendu

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chanda, Shrimati Jyotsna

Chandra Gowda, Shri D. B.

Chandrakar, Shri Chandula

Chandrashekarappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D. R.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chnutten Lal, Shri

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbir Singh, Shri

Dalip Singh, Shri

Damani, Shri S. R.

Dandavate, Prof. Madhu

Darbara Singh, Shri

Das, Shri Anadi Charan

Das, Shri Dharnidhar

Dasappa, Shri Tulsidas

Daschowdhury, Shri B. K.

Deo, Shri S. N. Singh

Deshmukh, Shri K. G.

Dhamankar, Shri

Dharamgaj Singh, Shri

Dharia, Shri Mohan

Dhusia, Shri Anant Prasad

Dinesh Singh, Shri

Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra

Doda, Shri Hiralal

Dube, Shri J. P.

Dumada, Shri L. K.

Dutta, Shri Biren

Dwivedi, Shai Nageshwar

Gandhi, Shrimati Indira

Gangadeb, Shri P.

Gautam, Shri C. D.

Gavit, Shri T. H.

George, Shri A. C.

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Godara, Shri Mani Ram

Gogoi, Shri Tarun

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gopal, Shri K.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Govind Das, Dr.

Gowda, Shri Pampan

Guha, Shri Samar

Gupta, Shri Indrajit

Hansda, Shri Subodh

Hanumanthaiya, Shri K.

Hari Kishore Singh, Shri

Hari Singh, Shri

Hashim, Shri M. M.

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.

Jagjivan Ram, Shri

Jamilurrahman, Shri Md.

Jeyalakshmi, Shrimati V.

Jha, Shri Chiranjib

Jitendra Prasad, Shri

Joshi, Shri Popatlal M.

Joshi, Shrimati Subhadra

Kadam, Shri J. G.

Kadannappalli, Shri Ramachandran

Kader, Shri S. A.

Kahandole, Shri Z. M.

Kailas, Dr.

Kakodkar, Shri Purushottam

Kakoti, Shri Robin

Kale, Shri

Kamakshaiah, Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan Singh, Dr.

Kasture, Shri A. S.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrashetti, Shri A. K.

Krishnan, Shri G. Y.

Krishnappa, Shri M. V.

Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan

Kureel, Shri B. N.

Lakkappa, Shri K.

Lakshmikanthamma, Shrimati T.

Lakshminarayanan, Shri M. R.

Laskar, Shri Nihar

Mahajan, Shri Vikram

Mahajan, Shri Y. S.

Maharaj Singh, Shri

Mohata, Shri Debendra Nath

Mahishi, Dr. Sarojini

Majhi, Shri Gajadhar

Majhi, Shri Kumar

Malaviya, Shri K. D.

Mallanna, Shri K.

Mallikarjun, Shri

Mandal, Shri Jagdish Narain

Mandal, Shri Yamuna Prasad

Marandi, Shri Iswar

Maurya, Shri B. P.

Mehta, Dr. Jivraj

Melkote, Dr. G. S.

Menon, Shri V. K. Krishna

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Misra, Shri S. N.

Modi, Shri Shrikishan

Mohammad Tahir, Shri

Mohan Swarup, Shri

Mohapatra, Shri Shyam Sunder

Mohsin, Shri F. H.

Munsi, Shri Priya Ranjan Das

Murthy, Shri B. S.

Nahata, Shri Amrit

Naik, Shri B. V.

Nanda, Shri G. L.

Negi, Shri Pratap Singh

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, Shri Jagannath

Palodkar, Shri Manikrao

Pandey, Shri Damodar

Pandey, Shri Krishna Chandra

Pandey, Shri R. S.

Pandey, Shri Tarkeshwar

Panigrahi, Shri Chintamani

Pant, Shri K. C.

Paokai Haokip, Shri

Parikh, Shri Rasiklal

Partap Singh, Shri

Parthasarathy, Shri P.

Paswan, Shri Ram Bhagat

Patel, Shri Prabhudas

Patil, Shri Anantrao

Patil, Shri E. V. Vikhe

Patil, Shri Krishnarao

Patil, Shri T. A.

Patnaik, Shri Banamali

Patnaik, Shri J. B.

Peje, Shri S. L.

Pillai, Shri R. Balakrishna

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram, Shri Tulmohan

Ram Dhan, Shri

Ram Prakash, Shri

Ram Sewak, Ch.

Ram Swarup, Shri

Ramshekhar Prasad Singh, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Shri Jagannath

Rao, Dr. K. L.

Rao, Shri K. Narayana

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri Nageswara

Rao, Shri P. Ankineedu Parasada

Rao, Shri Pattabhi Rama

Rao, Shri Rajagopala

Rathia, Shri Umed Singh

Raut, Shri Bhola

Ravi, Shri Vayalar

Ray, Shri Siddhartha Shankar

Reddi, Shri P. Antony

Reddy, Shri K. Kodanda Rami

Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Bayapa

Reddy, Shri P. Narasimha

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Rudra Pratap Singh, Shri

Sadhu Ram, Shri

Saini, Shri Mulki Raj

Samanta, Shri S. C.

Sanghi, Shri N. K.

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satish Chandra, Shri

Satpathy, Shri Devendra

Satyanarayana, Shri B.

Savant, Shri Shankerrao

Savitri Shyam, Shrimati

Sethi, Shri Arjun

Sethi, Shri P. C.

Shafee, Shri A.

Shafquat Jung, Shri

Shahnawaz Khan, Shri

Shailani, Shri Chandra

Shambhu Nath, Shri

Shankar Dayal Singh, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma, Shri R. N.

Sharma, Dr. Shankar Dayal

Shastri, Shri Biswanarayan

Shastri, Shri Sheopujan

Shenoy, Shri P. R.

Sher Singh, Prof.

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shivappa, Shri N.

Shivanath Singh, Shri

Shukla, Shri B. R.

Shukla, Shri Vidya Charan

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Singh, Shri V. N. P.

Sinha, Shri Dharam Bir

Sinha, Shri Nawal Kishore

Sinha, Shri R. K.

Sohan Lal, Shri T.

Sokhi, Shri Swaran Singh

Sonar, Dr. A. G.

Subramaniam, Shri C.

Sudarsanam, Shri M.

Sunder Lal, Shri

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

Swaminathan, Shri R. V.

Swamy, Shri Sidrameshwar

Swaran Singh, Shri

Swell, Shri G. G.

Tarodekar, Shri V. B.

Tayyab Hussain Khan, Shri

Thakre, Shri S. B.

Thakur, Shri Krishnarao

Tiwari Shri R. G.

Tiwary, Shri D. N.

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkatasubbaiah, Shri P.

Venkatswamy, Shri G.

Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad

Vidyalankar, Shri Amarnath

Vikal, Shri Ram Chandra

Virbhadra Singh, Shri

Yadav, Shri Chandrajit

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

Yadav, Prof. D. P.

Zulfiquar Ali Khan, Shri

MR. SPEAKER : The result* of the Division is :

Ayes 36, Noes 324.

The motion was negatived.

MR. SPEAKER : I will now put amendments Nos. 30 and 34 to the vote of the House.

Amendments Nos. 30 and 34 were put and negatived.

MR. SPEAKER : I shall now put amendments Nos. 46, 47 and 48 in the name of Shri Ramavatar Shastri to the vote of the House.

Amendments Nos. 46, 47 and 48 were put and negatived.

MR. SPEAKER : The question is :

"That clause 3 stand part of the Bill".

Let the Lobby be cleared

The Lok Sabha divided:

---

*The following Members also recorded their votes :

AYES : Shri Gadadhar Saha;

NOES : Sarvshri Narsingh Narain Pandey, N. K. P. Salve, Sudhakar Pandey, and C. M. Stephen.

Division No. 13] [19.40 Hrs.

AYES

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Balathandayutham, Shri K.

Banmali Babu, Shri

Banerjee, Shri S. M.

Banerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S. C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyyia, Shri Chapalendu

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakeshwar Singh, Shri

Chanda, Shrimati Jyotsna

Chandra Gowda, Shri D. B.

Chandra Shekhar Singh, Shri

Chandrakar, Shri Chandulal

Chandrappan, Shri C. K.

Chandrashekharappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D. R.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chhutten Lal, Shri
Choudhary, Shri B. E.
Choudhary, Shri Moinul Haque
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dosa, Shri Hiralal
Dube, Shri J. P.
Dwivedi, Shri Nageshwar
Gandhi, Shrimati Indira
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gopal, Shri K.
Goswami, Shri Dinesh Chander
Gotkhinde, Shri Annasaheb
Govind Das, Dr.
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jagjivan Ram, Shri
Jamilurrahman, Shri M.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra

Kadam, Shri J. G.

Kadannappalli, Shri Ramachandran

Kader, Shri S. A.

Kahandole, Shri Z. M.

Kailas, Dr.

Kakodkar, Shri Purushottam

Kakoti, Shri Robin

Kale, Shri

Kalyanasundaram, Shri M.

Kamakshaiah, Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamaraj, Shri K.

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan Singh, Dr.

Kasture, Shri A. S.

Kathamuthu, Shri M.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrashetti, Shri A. K.

Krishnan, Shri G. Y.

Krishnappa, Shri M. V.

Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan

Kureel, Shri B. N.

Lakhappa, Shri K.

Lakshmikanthamma, Shrimati T.

Lakshminarayanan, Shri M. R.

Laskar, Shri Nihar

Mahajan, Shri Vikram

Mahajan, Shri Y. S.

Maharaj Singh, Shri

Mahata, Shri Debendra Nath

Mahishi, Dr. Sarojini

Majhi, Shri Gajadhar

Majhi, Shri Kumar

Malaviya, Shri K. D.

Mallanna, Shri K.

Mallikarjun, Shri

Mandal, Shri Jagdish Narain

Marandi, Shri Iswar

Maurya, Shri B. P.

Mehta, Dr. Jivraj

Melkote, Dr. G. S.

Menon, Shri V. K. Krishna

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Mishra, Shri Shyamnandan

Misra, Shri S. N.

Modi, Shri Shrikishan

Mohammad Tahir, Shri

Mohan Swarup, Shri

Mohapatra, Shri Symam Sunder

Mohsin, Shri F. H.

Munsi, Shri Priya Ranjan Das

Murthy, Shri B. S.

Muruganantham, Shri S. A.

Nahata, Shri Amrit

Naik, Shri B. V.

Nanda, Shri G. L.

Negi, Shri Pratap Singh

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, Shri Jagannath

Palodkar, Shri Manikrao

Pandey, Shri Damodar

Pandey, Shri Krishna Chandra

Pandey, Shri Narsingh Narain

Pandey, Shri R. S.

Pandey, Shri Sarjoo

Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar

Panigrahi, Shri Chintamani

Pant, Shri K. C.

Paokai Haokip, Shri

Parikh, Shri Rasiklal

Parmar, Shri Bhaljibhai

Pratap Singh, Shri

Parthasarathy, Shri P.

Paswan, Shri Ram Bhagat

Patel, Shri Prabhudas

Patil, Shri Anantrao

Patil, Shri E. V. Vikhe

Patil, Shri Krishnarao

Patil, Shri T. A.

Patnaik, Shri Banamali

Patnaik, Shri J. B.

Peje, Shri S. L.

Pilli, Shri R. Balakrishna

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram, Shri Tulmohan

Ram Dhan, Shri

Ram Prakash, Shri

Ram Sewak, Ch.
Ram Swarup, Shri
Ramshekhar Prasad Singh, Shri
Rana, Shri M. B.
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Parasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shri Siddhartha Shankar
Reddi, P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Narasimha
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri

Sadhu Ram, Shri
Saha, Shri Ajit Kumar
Saini, Shri Mulki Raj
Saksena, Prof. S. L.
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaq
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satyapathy, Shri Devendra
Satyanarayana, Shri B.
Savitri Shyam, Shrimati
Sen, Dr. Ranen
Sethi, Shri Arjun
Sethi, Shri P. C.
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.

Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shiva Chandika, Shri
Shivappa, Shri N.
Shivanath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Sonar, Dr. A. G.
Stephen, Shri C. M.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Swatantra, Shri Teja Singh
Swell, Shri G. G.
Tarodekar, Shri V. B.
Tayyab Hussain Khan, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Yadava, Prof. D. P.
Zulfiquer Ali Khan, Shri

NOES

Agarwal, Shri Virendra

Anthony, Shri Frank

Bade, Shri R. V.

Banera, Shri Hamendra Singh

Chaudhary, Shri Ishwar

Chowhan, Shri Bharat Singh

Deo, Shri P. K.

Deo, Shri R. R. Singh

Godfrey, Shrimati M.

Horo, Shri N. E.

Joshi, Shri Jagannathrao

Kachwai, Shri Hukam Chand

Lalji Bhai, Shri

Malik, Shri Mukhtiar Singh

Narendra Singh, Shri

Nayak, Shri Baksi

Pradhan, Shri Dhan Shah

Ramkanwar, Shri

Sharma, Shri R. R.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

Yadav, Shri G. P.

MR. SPEAKER : The result* of the division is as follows : *Ayes* : 337; *Noes* : 22

The motion is carried by a majority of the total membership of the House and by a majority of not less than two thirds of the Members present and voting.

The motion was adopted.

Clause 3 was added to the Bill.

MR. SPEAKER : We shall now take up clause 1, the Enacting Formula and the Title. They do not need any special majority but only simple majority. So, I shall put them to voice vote.

MR. SPEAKER : The question is :

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H. R. GOKHALE : I beg to move :

"That the Bill, as amended, be passed."

MR. SPEAKER : Motion moved :

"That the Bill, as amended, be passed."

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*The following Members also recorded their Votes :

AYES : Sarvashri Hari Kishore Singh, C. Subramaniam, Panna Lal Barupal, Yamuna Prasad Mandal, Shankerrao Savant, L. K. Dumada, V. N. P. Singh, D. P. Jadeja and Y. Eswara Reddy ;

NOES : Shri Maha Deepak Singh Shakya and Dr. Laxminarain Pandeya.

SHRI ATAL BIHARI VAJPAYEE : On a point of order.

MR. SPEAKER : I have seen it. There is a separate chapter on Constitution amendment Bills. In spite of that, I was careful to allow them to move it. We decided it m the Business Advisory Committee. I declared it yesterday also and twice this morning that this Bill would go through all its stages today.

SHRI P. K. DEO : I thank you for giving me this opportunity to speak at this stage.

We are passing through days of trouble and tension, specially due to the confrontation with Pakistan on the Bangla Desh issue and the refugee problem. It has been highlighted only yesterday by the Prime Minister as the dark days also. When unity is the prime need of the hour, the passage of a most controversial Bill which robs the citizen of his cherished rights is most untimely.

The 24th Amendment Bill gives adequate powers to Parliament to abridge or abrogate any of the fundamental rights. This should be exercised with restraint and circumspection. The undue haste in the passage of the Bill and the ousting of the Supreme Court for review in regard to scrutiny as to the validity of it and the utter confusion in which has been passed has belied all our expectations. Even prominent jurists like Sbri Setalvad and Shri Chagla who supported the 24th Amendment Bill have condemned the 25th Amendment Bill.

Art. 31C makes the amount fixed and determined not justiciable in any court of law. Just now we have decided that articles 14 and 19 will not be applicable so far as this Bill is concerned. A blanket power is being given, no line has been drawn regarding a ceiling on definition of property. All properties come under the purview of this Bill. It is my fear that the Bill when passed will be subjected to the tyrrany of the bureaucrats. Even if the amount is fixed by the legislature, they have to take recourse to the bureaucracy, some petty patwari or petty tehsildar to fix the quantum.

Sir, it will open the floodgates of corruption and, at the same time, it will subject to the whims that may be indulged in by any irresponsible legislature. The citizens will be subject to the mercy of the politicians. There has been a talk that the fundamental rights, if subordinated, will stand in the way of the implementation of the directive principles. The fundamental rights are precise and have been clearcut in comparison with the vague contours contained in the directive principles. The other day, we had an acid test of the genuineness of their intension. Two Bills based on the directive principles of State policy were discussed. Those Bills had been tabled by Dr. Karni Singh, to provide free and compulsory education to the children under article 45 of the Directive Principles and to provide jobs or secure the right to work. They have been negatived by these high priests of socialism.

Sir, formerly, the States were not given the power to make any enactment on fundamental rights. Now, the States have been given the power. It is likely to be misused. We may not be surprised if one day the Orissa Government takes over the entire Rourkela property by giving one rupee as compensation to the Hindustan Steel. (*Interruption*)

MR. SPEAKER : The hon. Member's time is up.

SHRI P. K. DEO : Please give me a couple of minutes.

MR. SPEAKER : I would not have rung the bell. But I think the House is not in a mood to listen now.

SHRI P. K. DEO : How can you presume, Sir ? Every Member has got a right that his voice should be heard. Sir, this measure will put a premium on honesty. They cannot touch black money which has been the main source of patronage to the ruling party. Only the fruits of hard labour will be subjected to the tyranny of the majority.

Lastly, I beg to submit that the passage of this Bill will destroy our Constitution, and there will emerge a dictator; as Hitler emerged out of the ashes of the Wilmer Constitution and, this Constitution will pave the way for it. (*Interruption*)

MR. SPEAKER : Order, please.

SHRI P. K. DEO : Lastly, I appeal to the House that at last wisdom and reasoning should prevail, and that they will throw away this Bill.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे केवल एक ही बात कहनी है। मेरे बारे में प्रधान मंत्री जी ने जो कहा है उसका एक ही जवाब है कि मेरा कांग्रेस पार्टी में शामिल होने का कोई इरादा नहीं है।***(व्यवधान)***

श्री श्याम नन्दन मिश्र : बड़ी निर्दयता दिखलाई। वाजपेयी जी को इतनी अच्छी दावत मिली लेकिन फिर भी उन्होंने कबूल नहीं की।***(व्यवधान)***

SHRI M. SATYANARAYAN RAO : Mr. Speaker, it is very untimely to make a speech. I have supported the Bill. I have voted for the Bill also. On behalf of the TPS, I want to tell this House that I support this measure. Since yesterday, I have been listening to the speeches of the hon. Law Minister and the other two hon. Ministers also. Unfortunately I could not get any light from those speeches. I have got some doubt with regard to article 19. Of course about 19(1)(g) I am supporting it. What about the freedom of speech and association ? That is what I wanted to ask and get some clarification. It has of course become too late for it. But I am not still convinced about it.

SHRI H. R. GOKHALE : I have talked about this extensively on more than one occasion and I have explained the implications of the inclusion of article 19. I wonder why the hon. Member is saying that I have not dealt with it.

MR. SPEAKER : I shall now put the question. Let the Lobby be cleared.

The question is :

"That the Bill, as amended, be passed."

The Lok Sabha divided :

Division No. 14.] [19.54 hrs.

AYES

Achal Singh, Shri

Afzalpurkar, Shri Dharamrao

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Ahmed, Shri F. A.

Alagesan, Shri O. V.

Ambesh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Balathandayutham, Shri K.

Banamali Babu, Shri

Banerjee, Shri S. M.

Banerji, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S. C.

Bhagat, Shri B. R.

Bhagat, Shri H. K. L.

Bhagirath Bhanwar, Shri

Bhandare, Shri R. D.

Bhargava, Shri Basheshwar Nath

Bhatia, Shri Durgadas

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri S. P.

Bhattacharyyia, Shri Chapalendu

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chanda, Shrimati Jyotsna

Chandra Gowda, Shri D. B.

Chandra Shekhar Singh, Shri

Chandrakar, Shri Chandulal

Chandrappan, Shri C. K.

Chandrashekharappa Veerabasappa, Shri T. V.

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Chaudhari, Shri Amarsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri D. R.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath

Chellachemi, Shri A. M.

Chhotey Lal, Shri

Chhutten Lal, Shri

Choudhary, Shri B. E.

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbir Singh, Shri

Dalip Singh, Shri

Damani, Shri S. R.

Dandavate, Prof. Madhu

Darbara Singh, Shri

Das, Shri Anadi Charan

Das, Shri Dharnidhar

Dasappa, Shri Tulsidas

Dascho wdhury, Shri B. K.

Deb, Shri Dasaratha

Deo, Shri S. N. Singh

Deshmukh, Shri K. G.

Dhamankar, Shri

Dhandapani, Shri C. T.

Dharamgaj Singh, Shri

Dharia, Shri Mohan

Dhusia, Shri Anant Prasad

Dinesh Singh, Shri

Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra

Doda, Shri Hiralal

Dube, Shri J. P.

Dumada, Shri L. K.

Dutt, Shri Biren

Dwivedi, Shri Nageshwar

Gandhi, Shrimati Indira

Gangadeb, Shri P.

Gautam, Shri C. D.

Gavit, Shri T. H.

George, Shri A. C.

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Godara, Shri Mani Ram

Gogoi, Shri Tarun

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gopalan, Shri A. K.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Govind Das, Dr.

Guha, Shri Samar

Gupta, Shri Indrajit

Haldar, Shri Madhuryya

Hansda, Shri Subodh

Hanumanthaiya, Shri K.

Hari Kishore Singh, Shri

Hari Singh, Shri

Hazra, Shri Manoranjan

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.

Jagjivan, Ram Shri

Jamiiurrahman, Shri Md.

Janardhanan, Shri C.

Jeyalakshmi, Shrimati V.

Jha, Shri Bhogendra

Jha, Shri Chiranjib

Jharkhande Rai, Shri

Jitendra Prasad, Shri

Joshi, Shri Popatlal M.

Joshi, Shrimati Subhadra

Kadam, Shri J. G.

Kadannappalli, Shri Ramachandran

Kader, Shri S. A.

Kahandole, Shri Z. M.

Kailas, Dr.

Kakodkar, Shri Purushottam

Kakoti, Shri Robin

Kale, Shri

Kalyanasundaram, Shri M.

Kamakshaiah, Shri D.

Kamala Kumari, Kumari

Kamala Prasad, Shri

Kamaraj, Shri K.

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Karan Singh, Dr.

Kasture, Shri A. S.

Kathamuthu, Shri M.

Kaul, Shrimati Sheila

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Khadilkar, Shri R. K.

Kinder Lal, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrabhotti, Shri A. K.

Krishnan, Shri G. Y.

Krishnappa, Shri M. V.

Kulkarni, Shri Raja

Kumaramangalam, Shri S. Mohan

Kureel, Shri B. N.

Lakkappa, Shri K.

Lakshmikanthamma, Shrimati T.

Lakshminarayanan, Shri M. R.

Laskar, Shri Nihar

Mahajan, Shri Vikram

Mahajan, Shri Y. S.

Maharaj Singh, Shri

Mahata, Shri Debendra Nath

Mahishi, Dr. Sarojini

Majhi, Shri Gajadhar

Majhi, Shri Kumar

Malaviya, Shri K. D.

Mallanna, Shri K.

Mallikarjun, Shri

Mandal, Shri Jagdish Narain

Marandi, Shri Iswar

Maurya, Shri B. P.

Mehta, Dr. Jivraj

Meikote, Dr. G. S.

Menon, Shri V. K. Krishna

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Mishra, Shri Shyamnandan

Misra, Shri S. N.

Modi, Shri Shrikishan

Mohammad Ismail, Shri

Mohammad Tahir, Shri

Mohan Swarup, Shri

Mohapatra, Shri Shyam Sunder

Mohsin, Shri F. H.

Mukherjee, Shri Samar

Munsi, Shri Priya Ranjan Das

Murthy, Shri B. S.

Muruganantham, Shri S. A.

Nahata, Shri Amrit

Naik, Shri B. V.

Nanda, Shri G. L.

Negi, Shri Pratap Singh

Nimbalkar, Shri

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, Shri Jagannath

Palodkar, Shri Manikrao

Pandey, Shri Damodar

Pandey, Shri Krishna Chandra

Pandey, Shri Narsingh Narain

Pandey, Shri R. S.

Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar

Panigrahi, Shri Chintamani

Pant, Shri K. C.

Paokai Haokip, Shri

Parikh, Shri Rasiklal

Parmar, Shri Bhaljibhai

Partap Singh, Shri

Parthasarathy, Shri P.

Paswan, Shri Ram Bhagat

Patel, Shri Prabhudas

Patil, Shri Anantrao

Patil, Shri E. V. Vikhe

Patil, Shri Krishnarao

Patil, Shri T. A.

Patnaik, Shri Banamali

Patnaik, Shri J. B.

Peje, Shri S. L.

Pillai, Shri R. Balakrishna

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri K.

Rai, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram, Shri Tulmohan

Ram Dhan, Shri

Ram Prakash, Shri

Ram Sewak, Ch.

Ram Swarup, Shri

Ramshek har Prasad Singh, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Shri Jagannath

Rao, Dr. K. L.

Rao, Shri K. Narayana

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri Nageswara

Rao, Shri P. Ankineedu Parasada

Rao, Shri Pattabhi Rama

Rao, Shri Rajagoppla

Rathia, Shri Umed Singh

Raut, Shri Bhola

Ravi, Shri Vayalar

Ray, Shri Siddhartha Shankar

Reddi, Shri P. Antony

Reddy, Shri K. Kodanda Rami

Reddy, Shri K. Ramakrishna

Reddy, Shri M. Ram Gopal

Reddy, Shri P. Narasimha

Reddy, Shri Y. Eswara

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Roy, Dr. Saradish

Rudra Pratap Singh, Shri

Sadhu Ram, Shri

Saha, Shri Ajit Kumar

Saini, Shri Mulki Raj

Saksena, Prof. S. L.

Salve, Shri N. K. P.

Samanta, Shri S. C.

Sambhali, Shri Ishaq

Sanghi, Shri N. K.

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satish Chandra, Shri

Satpathy, Shri Devendra

Satyanarayana, Shri B.

Savant, Shri Shankerrao

Savitri Shyam, Shrimati

Sen, Dr. Ranen

Sethi, Shri Arjun

Sethi, Shri P. C.

Sezhiyan, Shri

Shafee, Shri A.

Shafquat Jung, Shri

Shahnawaz Khan, Shri

Shailani, Shri Chandra

Shambhu Nath, Shri

Shankar Dayal Singh, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma, Shri R. N.

Sharma, Dr. Shankar Dayal

Shastri, Shri Biswanarayan

Shastri, Shri Ramavatar

Shastri, Shri Sheopujan

Shenoy, Shri P. R.

Sher Singh, Prof.

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shivappa, Shri N.

Shivanath Singh, Shri

Shukia, Shri B. R.

Shukla, Shri Vidya Charan

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Singh, Shri V. N. P.

Sinha, Shri Dharam Bir

Sinha, Shri Nawal Kishore

Sinha, Shri R. K.

Sohan Lal, Shri T.

Sokhi, Shri Swaran Singh

Sonar, Dr. A. G.

Stephen, Shri C. M.

Subramaniam, Shri C.

Sudarsanam, Shri M.

Sunder Lal, Shri

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

Swaminathan, Shri R. V.

Swamy, Shri Sidrameshwar

Swaran Singh, Shri

Swatantra, Shri Teja Singh

Swell, Shri G. G.

Tarodekar, Shri V. B.

Tayyab Hussain Khan, Shri

Thakre, Shri S. B.

Thakur, Shri Krishnarao

Tiwari, Shri R. G.

Tiwary, Shri D. N.

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Tula Ram, Shri

Tulsiram, Shri

Uikey, Shri M. G.

Unnikrishnan, Shri K. P.

Vekaria, Shri

Venkatasubbaiah, Shri P.

Venkatswamy, Shri G.

Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad

Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Yadava, Prof. D. P.
Zulfiquar Ali Khan, Shri

NOES

Agarwal, Shri Virendra
Bade, Shri R. V.
Banera, Shri Hamendra Singh
Chowhan, Shri Bharat Singh
Deo, Shri P. K.
Deo, Shri R. R. Singh
Horo, Shri N. E.
Joshi, Shri Jagannathrao
Kachwai, Shri Hukam Chand
Karni Singh, Dr.
Lalji Bhai, Shri
Narendra Singh, Shri
Nayak, Shri Baksi
Pandeya, Dr. Laxminarain
Pradhan, Shri Dhan Shah
Ramkanwar, Shri
Sharma, Shri R. R.
Vajpayee, Shri Atal Bihari
Verma, Shri Phool Chand
Yadav, Shri G. P.

MR. SPEAKER : The result* of the division is : Ayes 353; Noes 20.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 2, 1971/Agrahayana 11, 1893 (Saka).

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*The following Members also recorded their votes :

AYES : Sarvshri Kartik Oraon, Panna Lal Barupal, Yamuna Prasad Mandal, P. Bayappa Reddy, Pampan Gowda and M. M. Hashim;

NOES : Shri Ishwar Chaudhry.

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